

MISSISSIPPI CODE OF 1930
OF THE
PUBLIC STATUTE LAWS
OF
THE STATE OF MISSISSIPPI

REVISED AND ANNOTATED BY
THE CODE COMMISSION

UNDER THE PROVISIONS OF AN ACT OF THE LEGISLATURE
APPROVED APRIL 26TH, 1928

AND

REPORTED TO AND REVISED, AMENDED AND ADOPTED BY
THE LEGISLATURE AT ITS REGULAR SESSION IN 1930

PUBLISHED BY AUTHORITY OF THE LEGISLATURE
IN TWO VOLUMES

VOLUME I

ATLANTA
THE HARRISON COMPANY
LAW BOOK PUBLISHERS
1930

737. Proceedings when judge disqualified.—When the circuit judge or chancellor, by reason of interest or other cause, shall be disqualified to sit in any case, the parties may select some other member of the bar; and thereupon the judge or chancellor shall retire from the bench for the time, and the member of the bar so selected shall take his place and hear and determine the cause. The proceedings shall be entered as if the same were had before the judge or chancellor, who shall sign the decrees and orders, if necessary to be signed; and the records, minutes, and proceedings shall be and appear, in all respects, as if the cause had been heard and determined before the judge or chancellor, and this shall apply to criminal cases; or the judge or chancellor in such case may give notice thereof to the judge or chancellor of another district, and require him to attend and hold a term of the court, or such part thereof as may be necessary, where such suit may be pending; and it shall be the official duty of the judge or chancellor so notified to attend and hold such term, or part of the term, if the same do not conflict with any term to be held in the district to which he belongs.

716; 896; 920; 2271; 536, 936; Ch. 41 art. 12-13; Ch. 62 art. 7; Ch. 53 art. 2 (186); Ch. 54 art. 2 (7).

The functions of the member of the bar agreed upon to try a cause are ministerial rather than judicial, his decree having no validity until signed by the judge or the chancellor. *Grinstead v. Buckley*, 32 M. 148.

A bill of exceptions must be signed by the regular judge, although a special judge, chosen under this section, presided at the trial. A bill signed by such special judge alone is insufficient. *Rankin v. Johnson*, 56 M. 125.

Where the prisoner was tried and convicted, but his sentence was postponed, and the judge who tried the case went out of office, and the prosecuting attorney succeeded to the bench, the latter can pass sentence. *Thomas v. State*, 5 How. 20.

Where in a criminal case, the regular judge being disqualified, the parties agreed upon a special judge, but before trial the

agreement was annulled, and the governor appointed a special judge, although he was the same person as the one previously agreed upon, the question of the constitutionality of this section providing for agreements for a special judge is not involved. *Powers v. State*, 33 M. 691, 36 So. 6.

Judge not disqualified to sit in case, unless connected with party by affinity or consanguinity, or peculiarly interested. *Cashin v. Murphy*, 138 M. 853, 103 So. 737.

Motion in vacation to dissolve preliminary injunction granted by special judge under agreement of attorneys held improperly presented to the chancellor of another district. *Canal Bank v. Brewer*, 147 M. 885, 113 So. 552.

Decree rendered by regular chancellor without first being submitted to special chancellor hearing cause held invalid. *Hambiett v. Jones*, 152 M. 120, 118 So. 711.

738. Special judges.—When any circuit judge or chancellor is unable by reason of sickness or other disability to attend and hold any of the courts at the time and place required by law, such judge or chancellor, or in case of his inability to do so, the clerk of the court, shall certify the facts to the governor, who shall commission some person of law knowledge to attend and hold said court and thereafter perform in term time and in vacation throughout the district all the duties of such judge or chancellor during such disability. The commission of such judge or chancellor appointed hereunder shall automatically terminate on the day when the regular judge or chancellor shall certify in writing to the clerks of the courts over which he presides the removal of the disability herein provided for, and by mailing postpaid or delivering to the special judge and the governor a true copy thereof.

§ 738

COURTS, PROVISIONS COMMON TO

Ch. 19

In case any such judge or chancellor shall be, for any reason, disqualified to preside in any cause, and the attorneys therein cannot agree upon a member of the bar to preside in his place, it shall be the duty of the judge or chancellor to certify the facts to the governor, who shall commission some like person to attend and preside in said cause. If a judge of the Supreme Court be unable or disqualified to preside at any term of the court, or in any cause, the facts shall be certified to the governor by any two of the judges of the Supreme Court and the governor shall commission a like person to preside in the cause or during the disability as the case may be. In case the appointment be for the trial of a particular case or cases the proceedings shall be as provided in the last section; but if the appointment be for holding a term of court, the proceedings shall be as if the special judge were the regular judge of the court.

1928 Ex. Ses. ch. 86; 717; 997; 921.

A bill of exceptions must be signed by the special judge, where he is appointed under this section, and not by the regular judge. *Railroad v. Bowles*, 71 M. 994, 16 So. 235.

A special judge, appointed under this section, is empowered to approve the stenographer's report of the evidence and to sign the bill of exceptions. *Lopez v. Jackson*, 79 M. 460, 31 So. 206.

A special judge commissioned under this section is a de facto officer and his acts are valid although he failed to take the required official oath before assuming the

duties of office. *Powers v. State*, 83 M. 691, 36 So. 6.

Authority of special judge appointed to act for chief justice of the Supreme Court, during his illness terminates when chief justice resumes his duties. *Hall Com. Co. v. Crook*, 87 M. 445, 40 So. 20, 1006.

Case argued before special judge sitting for chief justice and two regular judges, where chief justice resumed seat and read the opinion, it was binding on the parties the two regular judges hearing the argument concurring therein. *Bowles v. Wood*, 90 M. 742, 44 So. 169.

739. Proceedings in vacation when judge disqualified.—When the judge or chancellor of any district, by reason of interest or other cause, shall be incompetent to act in any matter in vacation to be done in such district, or before him, or shall be absent from the district, such matter may be brought before and acted on by the judge or chancellor of another district in like manner and with the same effect, as if done by the judge or chancellor of the district to which the matter pertains. In such a case the hearing and action aforesaid may be had and done within either of the districts.

718; 998; 922; 2272.

The section does not empower a circuit judge under any circumstances, to appoint a receiver in chancery. *Alexander v. Manning*, 58 M. 634.

Where a receiver has been appointed without notice by a chancellor of another district it will be presumed on a recital to that effect in the chancellor's order that

the showing necessary to authorize such action under this section and § 594, Code 1892 (Code 1906 § 644), was made. *Pearson v. Kendrick*, 74 M. 235, 21 So. 37.

Where the judge is disqualified a quo warranto proceeding may be heard in vacation by the judge of another district. *Kelly v. Kiersky*, 79 M. 168, 30 So. 49.

740. Judges conservators of peace—must reside in district.—The judges of the Supreme, circuit and county courts and chancellors shall be conservators of the peace for the state, each with full power to do all acts which conservators of the peace may lawfully do; and the circuit

1972

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CUMULATIVE SUPPLEMENT
TO
MISSISSIPPI CODE
1942 ANNOTATED

CONTAINING PERMANENT PUBLIC STATUTES OF
MISSISSIPPI ENACTED DURING LEGISLATIVE
SESSIONS 1957, 1958, 1959, 1960, 1961, 1962,
1963, 1964, 1965, 1966, 1967, 1968,
1969, 1970, 1971, 1972

PUBLISHED BY AUTHORITY OF
THE LEGISLATURE

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THE HARRISON COMPANY ATLANTA, GEORGIA
THE LAWYERS CO-OPERATIVE PUBLISHING COMPANY ROCHESTER, N. Y.

§ 1653.5**COURTS, PROVISIONS COMMON TO****Title 10****CROSS REFERENCES:** § 1653.5, this title.**REFERENCES:** 46 Am Jur 2d, Judges §§ 248-261.**JUDICIAL DECISIONS****2. Powers and functions of special judge**

Constitution § 165, authorizing the Governor to commission a lawyer to preside at a term of the court or in a case, necessarily encompasses the right of the commissioned special judge to sign orders and decrees in a case or cases over which he has been designated to preside. *De Moe v McLeod*, 228 M 491, 89 So2d 730,

overruling sugg of error 228 M 481, 87 So 2d 906.

A special chancellor, appointed and commissioned by the Governor under Constitution § 165 to try a suit to confirm title to real estate, has authority to sign a final decree in vacation. *De Moe v McLeod*, 228 M 491, 89 So2d 730, overruling sugg of error 228 M 481, 87 So2d 906.

§ 1653.5. Appointment of full-time chancellors and circuit judges to serve during serious illness or disability of incumbents.

In addition to and supplemental of existing general laws, the Governor is authorized and empowered to appoint and commission a full-time Chancery Judge and Circuit Judge to do and perform all of the public duties of any such judge during the entire period of any serious and total disability by illness or accident of the incumbent judge. Any temporary judge appointed under this act shall have the same qualifications and execute the oath of office as required by the Constitution and laws of this State, and shall be entitled to the same compensation and emoluments of office in the same manner and be therein governed by the Constitution and laws to the extent that he had been elected to such office. Prior to making an appointment under this act the Governor shall first ascertain the cause, extent and the seriousness of the disability by illness or accident of the judge, including, but not limited to a written or telegraphic statement to the Governor by the judge's private physician. No temporary appointment made hereunder shall extend beyond the time designated by the Governor or when the judge certifies to the Governor of his recovery from illness or accident to the extent that he can reassume his full duties, or the end of his term of office, whichever occurs first. Provided, however, that any attorney appointed temporary judge under authority of this act shall not be required to abandon his law practice as required by Section 8668, Mississippi Code of 1942, Recompiled. This act is not to be construed as suspending the power of temporary appointment for cause or illness under the provisions of Sections 1651, 1652, 1653, 1654 and 4181, Mississippi Code of 1942, and amendments thereto.

SOURCES: Laws, 1968, ch. 313, § 1, eff from and after passage (approved March 28, 1968).

REFERENCES: 46 Am Jur 2d, Judges §§ 248-261.

§ 1653.9. Judges—traveling expenses and allowances.

When any chancery judge, county judge or circuit judge shall be required to travel in the performance of his official duties, such judges shall receive as expenses of such travel the mileage allowance and a reimbursement for other actual expenses incurred in such travel as provided for public officers and employees in Section 4061-01, Mississippi Code of 1942, as amended.

SOURCES: Laws, 1970, ch. 334, § 1, eff from and after July 1, 1970.

MISSISSIPPI CODE

1942

ANNOTATED

CONTAINING PERMANENT PUBLIC STAT-
UTES OF MISSISSIPPI TO THE END OF
THE LEGISLATIVE SESSION 1956



PUBLISHED BY AUTHORITY OF THE LEGISLATURE
UNDER THE SUPERVISION OF

HON. JOE T. PATTERSON, *Attorney General*

AND

HON. MATTHEW HARPER, JR., *Assistant Attorney General*



Recompiled Volume Two—1956



COURTS

THE HARRISON COMPANY - - - ATLANTA, GEORGIA
THE LAWYERS CO-OPERATIVE PUBLISHING COMPANY, ROCHESTER, N. Y.

§ 1652

COURTS

Title 10

who had been the district attorney and had drawn the statutory indictment for murder upon which defendant was tried. Kirby v. State, 78 M 175, 28 So 846, 84 Am St Rep 622.

5. Consent

Consent of parties presumed if qualifications of judge not questioned before final judgment, but objection may be made on motion for new trial if attorneys did not know of disqualification. Yazoo & M. Valley R. Co. v. Kirk, 102 M 41, 58 So 710, 834, 42 LRA NS 1172, Ann Cas 1914C 968.

6. Proceedings for disqualification

Suggestion of disqualification must be

made before trial unless knowledge is acquired subsequently. Shireman v. Wildberger, 125 M 499, 87 So 637.

Judge, attacked by recusation motion, may hear and determine it instead of surrendering bench to another to pass thereon. Cashin v. Murphy, 138 M 853, 103 So 787. Ex parte affidavits inadmissible as evidence on recusation motion. Cashin v. Murphy, supra.

Motion for new trial charging presiding judge with being unfair and partial, and charging him with political bias and race prejudice, and asking judge to recuse himself in order that movant might have a fair and competent judge, in absence of explanations, held contemptuous. Ex parte Redmond, 156 M 532, 126 So 485.

§ 1652. Proceedings when judge disqualified.

When the circuit judge, county judge or chancellor, by reason of interest or other cause, shall be disqualified to sit in any case, the parties may select some other member of the bar; and thereupon the judge or chancellor shall retire from the bench for the time, and the member of the bar so selected shall take his place and hear and determine the cause. The proceedings shall be entered as if the same were had before the judge or chancellor, who shall sign the decrees and orders, if necessary to be signed; and the records, minutes, and proceedings shall be and appear, in all respects, as if the cause had been heard and determined before the judge or chancellor, and this shall apply to criminal cases; or the judge or chancellor in such case may give notice thereof to the judge or chancellor of another district, and require him to attend and hold a term of the court, or such part thereof as may be necessary, where such suit may be pending; and it shall be the official duty of the judge or chancellor so notified to attend and hold such term, or part of the term, if the same do not conflict with any term to be held in the district to which he belongs.

SOURCES: Codes, Hutchinson's 1848, ch. 53, art. 2 (186), ch. 54, art. 2 (7); 1857, ch. 61, arts. 12, 13, ch. 62, art. 7; 1871, §§ 536, 986; 1880, § 2271; 1892, § 920; 1906, § 996; Hemingway's 1917, § 716; 1930, § 737; Laws, 1952, ch. 239.

CROSS REFERENCES: Constitution § 165; § 1654, this title; Chancery Courts § 1227; Circuit Courts §§ 1442 et seq.; Salaries § 4181.

REFERENCES: 14 Am Jur 282, Courts § 58; 30 Am Jur 767, Judges §§ 53 et seq.

Annotations

Power of judge pro tempore or special judge after expiration of term over case previously tried before him. 134 ALR 1129.

JUDICIAL DECISIONS

1. In general.
2. Proceedings before attorney selected by parties.
3. Selection of and proceedings before substitute judge.

1. In general

Construing this section with § 696, Code of 1930 (§ 1607, Code of 1942), it must be read as if the words "county judge" were written herein. Winn v. Eatherly, 187 M 159, 192 So 431.

Judge not disqualified to sit in case, unless connected with party by affinity or consanguinity, or pecuniarily interested. Cashin v. Murphy, 138 M 853, 103 So 787.

2. Proceedings before attorney selected by parties

Where attorney selected by litigants presides when regular judge is disqualified as authorized by statute, presiding attorney is empowered to rule upon and determine all pertinent questions arising during trial of case, including power to act upon request for view by jury. National Box Co. v. Bradley, 171 M 26, 157 So 91, 95 ALR 1500.

Ch. 7

COURTS, PROVISIONS COMMON TO

§ 1653

The functions of the member of the bar agreed upon to try a cause are ministerial rather than judicial, his decree having no validity until signed by the judge or the chancellor. *Grinstead v. Buckley*, 32 M 148.

Motion in vacation to dissolve preliminary injunction granted by special judge under agreement of attorneys held improperly presented to the chancellor of another district. *Canal Bank & T. Co. v. Brewer*, 147 M 885, 113 So 552, 114 So 127.

Decree rendered by regular chancellor without first being submitted to special chancellor hearing cause held invalid. *Hamblett v. Jones*, 152 M 120, 118 So 711.

A bill of exceptions must be signed by the regular judge, although a special judge, chosen under this section, presided at the trial. A bill signed by such special judge alone is insufficient. *Rankin County Sav. Bank v. Johnson*, 56 M 125.

Where in a criminal case, the regular judge being disqualified, the parties agreed upon a special judge, but before trial the agreement was annulled, and the gov-

ernor appointed a special judge, although he was the same person as the one previously agreed upon, the question of the constitutionality of this section providing for agreements for a special judge is not involved. *Powers v. State*, 83 M 691, 36 So 6.

3. Selection of and proceedings before substitute judge

Where a chancellor will call in another chancellor under this section, because of his disqualification, or certify his disqualification to the governor for the appointment of a special chancellor under § 1653, *infra*, is a matter pertaining to the administrative functions of his office, and is not subject to review. *Anderson v. Anderson*, 190 M 508, 200 So 726.

This section applies to a county judge, and where the county judge of the county in which an action of replevin originated, recused himself, notified the county judge of another county and required him to attend the county court of the former county and try the case, the proceedings before the latter were not illegal. *Winn v. Eatherly*, 187 M 159, 192 So 431.

§ 1653. Special judges.

When any circuit judge, county judge or chancellor is unable by reason of sickness or other disability to attend and hold any of the courts at the time and place required by law, such judge or chancellor, or in case of his inability to do so, the clerk of the court, shall certify the facts to the governor, who shall commission some person of law knowledge to attend and hold said court and thereafter perform in term time and in vacation throughout the district all the duties of such judge or chancellor during such disability. The commission of such judge or chancellor appointed hereunder shall automatically terminate on the day when the regular judge or chancellor shall certify in writing to the clerks of the courts over which he presides the removal of the disability herein provided for, and by mailing postpaid or delivering to the special judge and the governor a true copy thereof.

In case any such judge or chancellor shall be, for any reason, disqualified to preside in any cause, and the attorneys therein cannot agree upon a member of the bar to preside in his place, it shall be the duty of the judge or chancellor to certify the facts to the governor, who shall commission some like person to attend and preside in said cause. If a judge of the Supreme Court be unable or disqualified to preside at any term of the court, or any cause, the facts shall be certified to the governor by any two of the judges of the Supreme Court and the governor shall commission a like person to preside in the cause or during the disability as the case may be. In case the appointment be for the trial of a particular case or cases, the proceedings shall be as provided in the last section; but if the appointment be for holding a term of court, the proceedings shall be as if the special judge were the regular judge of the court.

SOURCES: Codes, 1892, § 921; 1906, § 997; Hemingway's 1917, § 717; 1930, § 738; Laws, 1928, Ex. ch. 86; 1952, ch. 235.

CROSS REFERENCES: Chancery Courts § 1227; Circuit Courts § 1414; County Courts § 1614; Salaries § 4181.

REFERENCES: 30 Am Jur 807, Judges §§ 103 et seq.

§ 1654

COURTS

Title 10

Annotations

Power of judge pro tempore or special judge after expiration of term over case previously tried before him. 134 ALR 1129.

JUDICIAL DECISIONS

1. In general.
2. Powers and functions of special judge.
3. Termination of authority.

1. In general

Whether a chancellor will call in another chancellor under § 1652, *supra*, because of his disqualification, or certify his disqualification to the governor for the appointment of a special chancellor under this section, is a matter pertaining to the administrative functions of his office, and is not subject to review. *Anderson v. Anderson*, 100 M 508, 200 So 726.

Case argued before special judge, sitting for chief justice, and two regular judges, where chief justice resumed seat and read the opinion, it was binding on the parties, the two regular judges hearing the argument concurring therein. *Bowles v. Wood*, 90 M 742, 44 So 169.

2. Powers and functions of special judge

A special judge commissioned under this section is a *de facto* officer and his acts are valid although he failed to take the required official oath before assuming the duties of office. *Powers v. State*, 83 M 691, 36 So 6.

A special judge, appointed under this section, is empowered to approve the stenographer's report of the evidence and to sign the bill of exceptions. *Lopez v. Jackson*, 79 M 460, 31 So 206.

A bill of exceptions must be signed by the special judge, where he is appointed under this section, and not by the regular judge. *Illinois C. R. Co. v. Bowles*, 71 M 994, 16 So 235.

The appointment of a special judge becomes effective upon the signing of his commission by the governor and its attestation by the secretary of state, even though the commission is not received until later by the appointee; and acts done by the appointee after acceptance of the appointment and qualification by taking the prescribed oath are valid. *Smith v. State*, 200 M 184, 26 So2d 543.

Fact that a special judge presided at the murder trial and regular judge heard and denied a motion for new trial did not constitute reversible error where the motion was properly denied on its merits and there was no showing that a special judge would have sustained the motion. *Sims v. State*, 209 M 545, 47 So2d 849.

3. Termination of authority

Authority of special judge appointed to act for chief justice of the Supreme Court during his illness terminates when chief justice resumes his duties. *Hall Commission Co. v. Crook*, 87 M 445, 40 So 20, 1006.

§ 1654. Proceedings in vacation when judge disqualified.

When the judge or chancellor of any district, by reason of interest or other cause, shall be incompetent to act in any matter in vacation to be done in such district, or before him, or shall be absent from the district, such matter may be brought before and acted on by the judge or chancellor of another district in like manner and with the same effect, as if done by the judge or chancellor of the district to which the matter pertains. In such a case the hearing and action aforesaid may be had and done within either of the districts.

SOURCES: Codes, 1880, § 2272; 1892, § 922; 1906, § 998; *Hemingway's* 1917, § 718; 1930, § 739.

CROSS REFERENCES: Chancery Courts §§ 1228 et seq.; Circuit Courts §§ 1523, 1539.

REFERENCES: 14 Am Jur 269, Courts § 36.

Annotations

Voluntary discontinuance in vacation. 89 ALR 50 and 126 ALR 292.

JUDICIAL DECISIONS

The section does not empower a circuit judge under any circumstances, to appoint a receiver in chancery. *Alexander v. Manning*, 58 M 634.

Where a receiver has been appointed without notice by a chancellor of another

district it will be presumed on recital to that effect in the chancellor's order that the showing necessary to authorize such action under this section and § 594, Code 1892 (Code 1906 § 644), was made. *Pearson v. Kendrick*, 74 M 235, 21 So 37.

U.S. Department of Justice



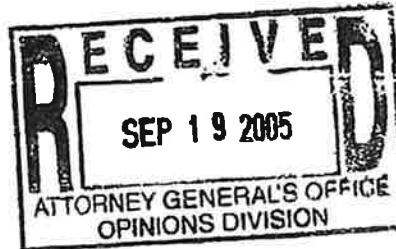
Civil Rights Division

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DJ 166-012-3
2005-2443

Voting Section - NWB.
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

September 15, 2005

Heather P. Wagner, Esq.
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Jackson, Mississippi 39205-0220

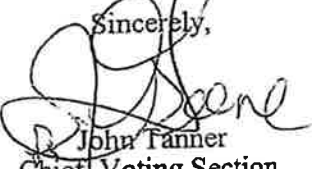


Dear Ms. Wagner:

This refers to Chapter 501 (S.B. 2339) (2005), which provides for the establishment of four additional circuit court judgeships, four additional chancery court judgeships, the adoption of numbered posts in certain circuit and chancery court districts, residency requirements for certain circuit and chancery court judges, and an implementation schedule for the State of Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on July 20, 2005.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41).

Sincerely,


John Tanner
Chief, Voting Section

Mississippi Legislature 2005 Regular Session

Senate Bill 2339

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Bill Text	History of Actions	Amendments	Background	Title
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Description: Judicial redistricting; enact and eliminate running in the herd.

Bill Text: [\[Introduced\]](#) [\[Committee Substitute\]](#) [\[Passed Senate\]](#) [\[Sent to Governor\]](#)

History of Actions:

- 1 01/12 (S) Referred To Judiciary, Division A
- 2 01/12 (S) Title Suff Do Pass Comm Sub
- 3 01/13 (S) Committee Substitute Adopted
- 4 01/13 (S) Passed
- 5 01/14 (S) Transmitted To House
- 6 02/16 (H) Referred To Judiciary A
- 7 02/25 (H) Title Suff Do Pass As Amended
- 8 03/08 (H) Read the Third Time
- 9 03/09 (H) Amended
- 10 03/09 (H) Passed As Amended
- 11 03/11 (H) Returned For Concurrence
- 12 03/17 (S) Decline to Concur/Invite Conf
- 13 03/22 (S) Conferees Named Ross,Doxey,Little
- 14 03/23 (H) Conferees Named Blackmon,Coleman (29th),Reynolds
- 15 03/28 (H) Conference Report Filed
- 16 03/28 (S) Conference Report Filed
- 17 03/29 (S) Conference Report Adopted
- 18 03/29 (S) Motion to Reconsider Entered
- 19 03/29 (H) Conference Report Adopted
- 20 03/30 (S) Motion to Reconsider Tabled

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House Bills

Measure #

Retrieve Measure

Amenaments/Conference Report:

By
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Lost [H] [Amendment No 1 to Amendment No 2](#)
Adopted [H] [Amendment No 2](#)
Lost [H] [Amendment No 3](#)
Adopted [H] [Amendment No 4](#)
Lost [H] [Amendment No 5](#)

[H] [Amendment Report for Senate Bill No. 2339](#)

Conference Report***Background Information:***

Effective date VRA** See Text
Disposition Law
Deadline General Bill/Constitutional Amendment
Revenue No
Vote type required Majority
Chapter number 501

Senate Committee:

- [Judiciary, Division A](#)

House Committee:

- [Judiciary A](#)

Principal Author: [Ross](#)

Code Sections: [A 009-0005-0007](#), [A 009-0005-0013](#), [A 009-0005-0022](#), [A 009-0005-0025](#), [A 009-0005-0036](#), [A 009-0005-0040](#), [A 009-0005-0041](#), [A 009-0005-0054](#), [A 009-0007-0007](#), [A 009-0007-0014](#), [A 009-0007-0020](#), [A 009-0007-0032](#), [A 009-0007-0039](#), [A 009-0007-0042](#), [A 009-0007-0044](#), [A 009-0007-0046](#), [A 009-0007-0054](#), [A 009-0001-0105](#), [RP 023-0015-0982](#), [RP 023-0015-0983](#), [RP 023-0015-0984](#)

Title: AN ACT TO ENACT REDISTRICTING OF THE CHANCERY AND CIRCUIT COURTS; TO AMEND SECTION 9-5-7, MISSISSIPPI CODE OF 1972, TO ADD A CHANCELLOR AND

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Measure Search

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House Bills

Measure #

Retrieve Measure

- [Judiciary A](#)

Principal Author: [Ross](#)

Code Sections: [A 009-0005-0007](#), [A 009-0005-0013](#), [A 009-0005-0022](#), [A 009-0005-0025](#), [A 009-0005-0036](#), [A 009-0005-0040](#), [A 009-0005-0041](#), [A 009-0005-0054](#), [A 009-0007-0007](#), [A 009-0007-0014](#), [A 009-0007-0020](#), [A 009-0007-0032](#), [A 009-0007-0039](#), [A 009-0007-0042](#), [A 009-0007-0044](#), [A 009-0007-0046](#), [A 009-0007-0054](#), [A 009-0001-0105](#), [RP 023-0015-0982](#), [RP 023-0015-0983](#), [RP 023-0015-0984](#)

Title: AN ACT TO ENACT REDISTRICTING OF THE CHANCERY AND CIRCUIT COURTS; TO AMEND SECTION 9-5-7, MISSISSIPPI CODE OF 1972, TO ADD A CHANCELLOR AND ELIMINATE RUNNING IN THE HERD IN THE FIRST CHANCERY COURT DISTRICT; TO AMEND SECTION 9-5-13, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE THIRD CHANCERY COURT DISTRICT; TO AMEND SECTION 9-5-22, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE SIXTH CHANCERY COURT DISTRICT; TO AMEND SECTION 9-5-25, MISSISSIPPI CODE OF 1972, TO ADD A CHANCELLOR TO THE SEVENTH CHANCERY COURT DISTRICT FOR THE TERM OF OFFICE COMMENCING IN 2011 AND TO PROHIBIT APPOINTMENT OF MASTERS AFTER THAT DATE; TO AMEND SECTION 9-5-36, MISSISSIPPI CODE OF 1972, TO ADD A CHANCELLOR TO THE TENTH CHANCERY COURT DISTRICT; TO AMEND SECTION 9-5-40, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE TWELFTH CHANCERY COURT DISTRICT; TO AMEND SECTION 9-5-41, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE THIRTEENTH CHANCERY COURT DISTRICT AND TO ADD A CHANCELLOR TO THAT DISTRICT; TO AMEND SECTION 9-5-54, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE EIGHTEENTH CHANCERY COURT DISTRICT; TO AMEND SECTION 9-7-7, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE FIRST CIRCUIT COURT DISTRICT AND TO ADD A JUDGE; TO AMEND SECTION 9-7-14, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE THIRD CIRCUIT COURT DISTRICT AND TO ADD A JUDGE; TO AMEND SECTION 9-7-20, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE FIFTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-32, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE TENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-39, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE FOURTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-42, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE FIFTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-44, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE SIXTEENTH CIRCUIT COURT DISTRICT AND TO ADD A JUDGE FOR THE TERM OF OFFICE COMMENCING IN 2011; TO AMEND SECTION 9-7-46, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE SEVENTEENTH CIRCUIT COURT DISTRICT AND TO ADD A JUDGE FOR THE TERM OF OFFICE COMMENCING IN 2011; TO AMEND SECTION 9-7-54, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE TWENTIETH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-1-105, MISSISSIPPI CODE OF 1972, TO CLARIFY THE AUTHORITY OF THE CHIEF JUSTICE TO ASSIGN A SPECIAL JUDGE TO ASSIST A CHANCERY OR CIRCUIT

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2005

By: Senator(s) Ross

To: Judiciary, Division A

SENATE BILL NO. 2339
(As Sent to Governor)

1 AN ACT TO ENACT REDISTRICTING OF THE CHANCERY AND CIRCUIT
2 COURTS; TO AMEND SECTION 9-5-7, MISSISSIPPI CODE OF 1972, TO ADD A
3 CHANCELLOR AND ELIMINATE RUNNING IN THE HERD IN THE FIRST CHANCERY
4 COURT DISTRICT; TO AMEND SECTION 9-5-13, MISSISSIPPI CODE OF 1972,
5 TO ELIMINATE RUNNING IN THE HERD IN THE THIRD CHANCERY COURT
6 DISTRICT; TO AMEND SECTION 9-5-22, MISSISSIPPI CODE OF 1972, TO
7 ELIMINATE RUNNING IN THE HERD IN THE SIXTH CHANCERY COURT
8 DISTRICT; TO AMEND SECTION 9-5-25, MISSISSIPPI CODE OF 1972, TO
9 ADD A CHANCELLOR TO THE SEVENTH CHANCERY COURT DISTRICT FOR THE
10 TERM OF OFFICE COMMENCING IN 2011 AND TO PROHIBIT APPOINTMENT OF
11 MASTERS AFTER THAT DATE; TO AMEND SECTION 9-5-36, MISSISSIPPI CODE
12 OF 1972, TO ADD A CHANCELLOR TO THE TENTH CHANCERY COURT DISTRICT;
13 TO AMEND SECTION 9-5-40, MISSISSIPPI CODE OF 1972, TO ELIMINATE
14 RUNNING IN THE HERD IN THE TWELFTH CHANCERY COURT DISTRICT; TO
15 AMEND SECTION 9-5-41, MISSISSIPPI CODE OF 1972, TO ELIMINATE
16 RUNNING IN THE HERD IN THE THIRTEENTH CHANCERY COURT DISTRICT AND
17 TO ADD A CHANCELLOR TO THAT DISTRICT; TO AMEND SECTION 9-5-54,
18 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
19 EIGHTEENTH CHANCERY COURT DISTRICT; TO AMEND SECTION 9-7-7,
20 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
21 FIRST CIRCUIT COURT DISTRICT AND TO ADD A JUDGE; TO AMEND SECTION
22 9-7-14, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD
23 IN THE THIRD CIRCUIT COURT DISTRICT AND TO ADD A JUDGE; TO AMEND
24 SECTION 9-7-20, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN
25 THE HERD IN THE FIFTH CIRCUIT COURT DISTRICT; TO AMEND SECTION
26 9-7-32, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD
27 IN THE TENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-39,
28 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
29 FOURTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-42,
30 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
31 FIFTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-44,
32 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
33 SIXTEENTH CIRCUIT COURT DISTRICT AND TO ADD A JUDGE FOR THE TERM
34 OF OFFICE COMMENCING IN 2011; TO AMEND SECTION 9-7-46, MISSISSIPPI
35 CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE SEVENTEENTH
36 CIRCUIT COURT DISTRICT AND TO ADD A JUDGE FOR THE TERM OF OFFICE
37 COMMENCING IN 2011; TO AMEND SECTION 9-7-54, MISSISSIPPI CODE OF
38 1972, TO ELIMINATE RUNNING IN THE HERD IN THE TWENTIETH CIRCUIT
39 COURT DISTRICT; TO AMEND SECTION 9-1-105, MISSISSIPPI CODE OF
40 1972, TO CLARIFY THE AUTHORITY OF THE CHIEF JUSTICE TO ASSIGN A
41 SPECIAL JUDGE TO ASSIST A CHANCERY OR CIRCUIT COURT WITH A BACKLOG
42 OF CASES; TO CLARIFY THAT CANDIDATES MAY QUALIFY AND RUN FOR NEW
43 JUDICIAL POSITIONS IN THE IMMEDIATELY PRECEDING REGULAR JUDICIAL
44 ELECTION; TO REPEAL SECTIONS 23-15-982, 23-15-983 AND 23-15-984,
45 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE CALCULATION OF
46 VOTE IN MULTIJUDGE DISTRICTS WHEREIN CANDIDATES RUN "IN THE HERD"
47 AND THE NUMBER OF VOTES THAT MAY BE CAST BY EACH ELECTOR; AND FOR
48 RELATED PURPOSES.

49 WHEREAS, it is the responsibility of the Legislature under
50 Section 152 of the Mississippi Constitution of 1890 to divide the

51 state into an appropriate number of circuit court districts and
52 chancery court districts; and

53 WHEREAS, the Legislature has thoroughly investigated the
54 state of the trial courts and trial court districts and has
55 considered the needs of the state according to all the criteria
56 imposed by the Constitution and by general law; NOW THEREFORE,

57 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

58 SECTION 1. Section 9-5-7, Mississippi Code of 1972, is
59 amended as follows:

60 9-5-7. (1) There shall be four (4) chancellors for the
61 First Chancery Court District.

62 (2) For purposes of appointment and election, the four (4)
63 chancellorships shall be separate and distinct and denominated for
64 purposes of appointment and election only as "Place One," "Place
65 Two," "Place Three" and "Place Four." The chancellor to fill
66 Place One shall be a resident of Alcorn, Prentiss or Tishomingo
67 County. The chancellors to fill Place Two and Place Three shall
68 be a resident of Itawamba, Lee, Monroe, Pontotoc or Union County.
69 The chancellor to fill Place Four shall be a resident of any
70 county in the district. Election of the four (4) offices of
71 chancellor shall be by election to be held in every county within
72 the First Chancery Court District of Mississippi.

73 SECTION 2. Section 9-5-13, Mississippi Code of 1972, is
74 amended as follows:

75 9-5-13. (1) There shall be three (3) chancellors for the
76 Third Chancery Court District.

77 (2) (a) The chancellor of Subdistrict 3-1 shall be elected
78 from DeSoto County. The two (2) chancellors of Subdistrict 3-2
79 shall be elected from Grenada County, Montgomery County, Panola
80 County, Tate County and Yalobusha County.

81 (b) For purposes of appointment and election, the three
82 (3) chancellorships shall be separate and distinct. The
83 chancellorship in Subdistrict 3-1 shall be denominated only as

84 "Place One," and the chancellorships in Subdistrict 3-2 shall be
85 denominated only as "Place Two" and "Place Three."

86 **SECTION 3.** Section 9-5-22, Mississippi Code of 1972, is
87 amended as follows:

88 9-5-22. (1) There shall be two (2) chancellors for the
89 Sixth Chancery Court District.

90 (2) For purposes of appointment and election, the two (2)
91 chancellorships shall be separate and distinct and denominated for
92 purposes of appointment and election only as "Place One" and
93 "Place Two."

94 **SECTION 4.** Section 9-5-25, Mississippi Code of 1972, is
95 amended as follows:

96 [Until January 1, 2011, this section shall read as follows:]

97 9-5-25. There shall be two (2) chancellors for the Seventh
98 Chancery Court District. One (1) chancellor shall be elected from
99 each subdistrict.

100 [From and after January 1, 2011, this section shall read as
101 follows:]

102 9-5-25. (1) There shall be three (3) chancellors for the
103 Seventh Chancery Court District. The three (3) chancellorships
104 shall be separate and distinct. One (1) chancellor shall be
105 elected from * * * Subdistrict 7-1 and shall be denominated for
106 purposes of appointment and election only as "Place One," and two
107 (2) chancellors shall be elected from Subdistrict 7-2 and shall be
108 denominated for purposes of appointment and election only as
109 "Place Two" and "Place Three."

110 (2) Chancellors in the Seventh Chancery Court District shall
111 not have the power to name a special master or family master.

112 **SECTION 5.** Section 9-5-36, Mississippi Code of 1972, is
113 amended as follows:

114 9-5-36. (1) There shall be four (4) chancellors for the
115 Tenth Chancery Court District.

116 (2) For purposes of appointment and election, the four (4)
 117 chancellorships shall be separate and distinct and denominated for
 118 purposes of appointment and election only as "Place One," "Place
 119 Two," "Place Three" and "Place Four." * * * The chancellor to
 120 fill Place One and Place Four shall be a resident of any county in
 121 the district. The chancellor to fill Place Two shall be a
 122 resident of Lamar, Marion, Pearl River or Perry County. The
 123 chancellor to fill Place Three shall be a resident of Forrest
 124 County. Election of the four (4) offices of chancellor shall be
 125 by election to be held in every county within the Tenth Chancery
 126 Court District of Mississippi.

127 **SECTION 6.** Section 9-5-40, Mississippi Code of 1972, is
 128 amended as follows:

129 9-5-40. (1) There shall be two (2) judges for the Twelfth
 130 Chancery Court District.

131 (2) For purposes of appointment and election, the two (2)
 132 chancellorships shall be separate and distinct and denominated for
 133 purposes of appointment and election only as "Place One" and
 134 "Place Two."

135 **SECTION 7.** Section 9-5-41, Mississippi Code of 1972, is
 136 amended as follows:

137 9-5-41. (1) The Thirteenth Chancery Court District shall be
 138 comprised of the following counties:

- 139 (a) Covington County;
- 140 (b) Jefferson Davis County;
- 141 (c) Lawrence County;
- 142 (d) Simpson County; and
- 143 (e) Smith County.

144 (2) There shall be two (2) chancellors for the Thirteenth
 145 Chancery Court District. For purposes of appointment and
 146 election, the two (2) chancellorships shall be separate and
 147 distinct and denominated for purposes of appointment and election
 148 only as "Place One" and "Place Two."

149 **SECTION 8.** Section 9-5-54, Mississippi Code of 1972, is
150 amended as follows:

151 9-5-54. (1) There shall be two (2) chancellors for the
152 Eighteenth Chancery Court District.

153 (2) For purposes of appointment and election, the two (2)
154 chancellorships shall be separate and distinct and denominated for
155 purposes of appointment and election only as "Place One" and
156 "Place Two."

157 **SECTION 9.** Section 9-7-7, Mississippi Code of 1972, is
158 amended as follows:

159 9-7-7. (1) There shall be four (4) judges for the First
160 Circuit Court District.

161 (2) For purposes of appointment and election, the four (4)
162 judgeships shall be separate and distinct and denominated for
163 purposes of appointment and election only as "Place One," "Place
164 Two," "Place Three" and "Place Four." The judge to fill Place One
165 shall be a resident of Alcorn, Prentiss or Tishomingo County. The
166 judges to fill Place Two and Place Three shall be a resident of
167 Itawamba, Lee, Monroe or Pontotoc County. The judge to fill Place
168 Four shall be a resident of any county in the district. Election
169 of the four (4) offices of judge shall be by election to be held
170 in every county within the First Circuit Court District.

171 **SECTION 10.** Section 9-7-14, Mississippi Code of 1972, is
172 amended as follows:

173 9-7-14. (1) There shall be three (3) circuit judges for the
174 Third Circuit Court District.

175 (2) For purposes of appointment and election, the three (3)
176 judgeships shall be separate and distinct and denominated for
177 purposes of appointment and election only as "Place One," "Place
178 Two" and "Place Three." The judge to fill "Place One" shall be a
179 resident of Calhoun, Chickasaw, Lafayette or Union Counties. The
180 judge to fill "Place Two" shall be a resident of Benton, Marshall

181 or Tippah County. The judge to fill "Place Three" shall be a
182 resident of any county in the district.

183 **SECTION 11.** Section 9-7-20, Mississippi Code of 1972, is
184 amended as follows:

185 9-7-20. (1) There shall be two (2) judges for the Fifth
186 Circuit Court District.

187 (2) For purposes of appointment and election, the two (2)
188 judgeships shall be separate and distinct and denominated for
189 purposes of appointment and election only as "Place One" and
190 "Place Two."

191 **SECTION 12.** Section 9-7-32, Mississippi Code of 1972, is
192 amended as follows:

193 9-7-32. (1) There shall be two (2) judges for the Tenth
194 Circuit Court District.

195 (2) For purposes of appointment and election, the two (2)
196 judgeships shall be separate and distinct and denominated for
197 purposes of appointment and election only as "Place One" and
198 "Place Two."

199 **SECTION 13.** Section 9-7-39, Mississippi Code of 1972, is
200 amended as follows:

201 9-7-39. (1) The Fourteenth Circuit Court District shall be
202 comprised of the following counties:

- 203 (a) Lincoln County;
204 (b) Pike County; and
205 (c) Walthall County.

206 (2) (a) There shall be two (2) judges for the Fourteenth
207 Circuit Court District.

208 (b) For purposes of appointment and election, the two
209 (2) judgeships shall be separate and distinct and denominated for
210 purposes of appointment and election only as "Place One" and
211 "Place Two."

212 **SECTION 14.** Section 9-7-42, Mississippi Code of 1972, is
213 amended as follows:

214 9-7-42. (1) There shall be two (2) judges for the Fifteenth
215 Circuit Court District.

216 (2) For purposes of appointment and election, the two (2)
217 judgeships shall be separate and distinct and denominated for
218 purposes of appointment and election only as "Place One" and
219 "Place Two."

220 SECTION 15. Section 9-7-44, Mississippi Code of 1972, is
221 amended as follows:

222 [Until January 1, 2011, this section shall read as follows:]

223 9-7-44. (1) There shall be two (2) judges for the Sixteenth
224 Circuit Court District.

225 (2) For purposes of appointment and election, the two (2)
226 judgeships shall be separate and distinct and denominated for
227 purposes of appointment and election only as "Place One" and
228 "Place Two."

229 [From and after January 1, 2011, this section shall read as
230 follows:]

231 9-7-44. (1) There shall be three (3) judges for the
232 Sixteenth Circuit Court District.

233 (2) For purposes of appointment and election, the three (3)
234 judgeships shall be separate and distinct and denominated for
235 purposes of appointment and election only as "Place One," "Place
236 Two" and "Place Three." The judge to fill Place One shall be a
237 resident of Lowndes County. The judge to fill Place Two shall be
238 a resident of Oktibbeha County. The judge to fill Place Three
239 shall be a resident of either Clay or Noxubee County. Election of
240 the three (3) offices of judge shall be by election to be held in
241 every county within the Sixteenth Circuit Court District.

242 SECTION 16. Section 9-7-46, Mississippi Code of 1972, is
243 amended as follows:

244 [Until January 1, 2011, this section shall read as follows:]

245 9-7-46. (1) There shall be three (3) circuit judges for the
246 Seventeenth Circuit Court District.

247 (2) For the purpose of appointment and election, the three
 248 (3) judgeships shall be separate and distinct, and one (1) judge
 249 shall be elected from Subdistrict 17-1 and two (2) judges shall be
 250 elected from Subdistrict 17-2. For purposes of appointment and
 251 election, the three (3) judgeships shall be separate and distinct.
 252 The two (2) judgeships in Subdistrict 17-2 shall be denominated as
 253 "Place One" and "Place Two," and the judgeship in Subdistrict 17-1
 254 shall be denominated as "Place Three."

255 [From and after January 1, 2011, this section shall read as
 256 follows:]

257 9-7-46. (1) There shall be four (4) circuit judges for the
 258 Seventeenth Circuit Court District.

259 (2) For the purpose of appointment and election, the four
 260 (4) judgeships shall be separate and distinct, and one (1) judge
 261 shall be elected from Subdistrict 17-1, two (2) judges shall be
 262 elected from Subdistrict 17-2, and one (1) judge shall be elected
 263 from every county in the district. The two (2) judgeships in
 264 Subdistrict 17-2 shall be denominated as "Place One" and "Place
 265 Two," the judgeship in Subdistrict 17-1 shall be denominated as
 266 "Place Three," and the at-large judgeship shall be denominated as
 267 "Place Four."

268 **SECTION 17.** Section 9-7-54, Mississippi Code of 1972, is
 269 amended as follows:

270 9-7-54. (1) There shall be two (2) judges for the Twentieth
 271 Circuit Court District.

272 (2) For purposes of appointment and election, the two (2)
 273 judgeships shall be separate and distinct and denominated for
 274 purposes of appointment and election only as "Place One" and
 275 "Place Two."

276 **SECTION 18.** Section 9-1-105, Mississippi Code of 1972, is
 277 amended as follows:

278 9-1-105. (1) Whenever any judicial officer is unwilling or
 279 unable to hear a case or unable to hold or attend any of the

280 courts at the time and place required by law by reason of the
281 physical disability or sickness of such judicial officer, by
282 reason of the absence of such judicial officer from the state, by
283 reason of the disqualification of such judicial officer pursuant
284 to the provision of Section 165, Mississippi Constitution of 1890,
285 or any provision of the Code of Judicial Conduct, or for any other
286 reason, the Chief Justice of the Mississippi Supreme Court, with
287 the advice and consent of a majority of the justices of the
288 Mississippi Supreme Court, may appoint a person as a special judge
289 to hear the case or attend and hold a court.

290 (2) Upon the request of the Chief Judge of the Court of
291 Appeals or the senior judge of a chancery or circuit court
292 district, or upon his own motion, the Chief Justice of the
293 Mississippi Supreme Court, with the advice and consent of a
294 majority of the justices of the Mississippi Supreme Court, shall
295 have the authority to appoint a special judge to serve on a
296 temporary basis in a circuit or chancery court in the event of an
297 emergency or overcrowded docket. It shall be the duty of any
298 special judge so appointed to assist the court to which he is
299 assigned in the disposition of causes so pending in such court for
300 whatever period of time is designated by the Chief Justice.

301 (3) When a vacancy exists for any of the reasons enumerated
302 in Section 9-1-103, the vacancy has not been filled within seven
303 (7) days by an appointment by the Governor, and there is a pending
304 cause or are pending causes in the court where the vacancy exists
305 that in the interests of justice and in the orderly dispatch of
306 the court's business require the appointment of a special judge,
307 the Chief Justice of the Supreme Court, with the advice and
308 consent of a majority of the justices of the Mississippi Supreme
309 Court, may appoint a qualified person as a special judge to fill
310 the vacancy until the Governor makes his appointment and such
311 appointee has taken the oath of office.

312 (4) If the Chief Justice pursuant to this section shall make
313 an appointment within the authority vested in the Governor by
314 reason of Section 165, Mississippi Constitution of 1890, the
315 Governor may at his election appoint a person to so serve. In the
316 event that the Governor makes such an appointment, any appointment
317 made by the Chief Justice pursuant to this section shall be void
318 and of no further force or effect from the date of the Governor's
319 appointment.

320 (5) When a judicial officer is unwilling or unable to hear a
321 case or unable or unwilling to hold court for a period of time not
322 to exceed two (2) weeks, the trial judge or judges of the affected
323 district or county and other trial judges may agree among
324 themselves regarding the appointment of a person for such case or
325 such limited period of time. The trial judges shall submit a
326 notice to the Chief Justice of the Supreme Court informing him of
327 their appointment. If the Chief Justice does not appoint another
328 person to serve as special judge within seven (7) days after
329 receipt of such notice, the person designated in such order shall
330 be deemed appointed.

331 (6) A person appointed to serve as a special judge may be
332 any currently sitting or retired chancery, circuit or county court
333 judge, Court of Appeals judge or Supreme Court Justice, or any
334 other person possessing the qualifications of the judicial office
335 for which the appointment is made; provided, however, that a judge
336 or justice who was retired from service at the polls shall not be
337 eligible for appointment as a special judge in the district in
338 which he served prior to his defeat.

339 (7) Except as otherwise provided in subsection (2) of this
340 section, the need for an appointment pursuant to this section may
341 be certified to the Chief Justice of the Mississippi Supreme Court
342 by any attorney in good standing or other officer of the court.

343 (8) The order appointing a person as a special judge
344 pursuant to this section shall describe as specifically as
345 possible the duration of the appointment.

346 (9) A special judge appointed pursuant to this section shall
347 take the oath of office, if necessary, and shall, for the duration
348 of his appointment, enjoy the full power and authority of the
349 office to which he is appointed.

350 (10) Any currently sitting justice or judge appointed as a
351 special judge under this section shall receive no additional
352 compensation for his or her service as special judge. Any other
353 person appointed as a special judge hereunder shall, for the
354 period of his service, receive compensation from the state for
355 each day's service a sum equal to 1/260 of the current salary in
356 effect for the judicial office; provided, however, that no retired
357 chancery, circuit or county court judge, retired Court of Appeals
358 judge or any retired Supreme Court Justice appointed as a special
359 judge pursuant to this section may, during any fiscal year,
360 receive compensation in excess of twenty-five percent (25%) of the
361 current salary in effect for a chancery or circuit court judge.
362 Any person appointed as a special judge shall be reimbursed for
363 travel expenses incurred in the performance of the official duties
364 to which he may be appointed hereunder in the same manner as other
365 public officials and employees as provided by Section 25-3-41,
366 Mississippi Code of 1972.

367 (11) If any person appointed as such special judge is
368 receiving retirement benefits by virtue of the provisions of the
369 Public Employees' Retirement Law of 1952, appearing as Sections
370 25-11-1 through 25-11-139, Mississippi Code of 1972, such benefits
371 shall not be reduced in any sum whatsoever because of such
372 service, nor shall any sum be deducted as contributions toward
373 retirement under said law.

374 (12) The Supreme Court shall have authority to prescribe
375 rules and regulations reasonably necessary to implement and give
376 effect to the provisions of this section.

377 (13) Nothing in this section shall abrogate the right of
378 attorneys engaged in a case to agree upon a member of the bar to
379 preside in a case pursuant to Section 165 of the Mississippi
380 Constitution of 1890.

381 (14) The Supreme Court shall prepare the necessary payroll
382 for special judges appointed pursuant to this section and shall
383 submit such payroll to the Department of Finance and
384 Administration.

385 (15) Special judges appointed pursuant to this section shall
386 direct requests for reimbursement for travel expenses authorized
387 pursuant to this section to the Supreme Court and the Supreme
388 Court shall submit such requests to the Department of Finance and
389 Administration. The Supreme Court shall have the power to adopt
390 rules and regulations regarding the administration of travel
391 expenses authorized pursuant to this section.

392 **SECTION 19.** The candidates for any new judgeships or
393 chancellorships created under this act shall be entitled to run
394 for those offices in the judicial election prior to the
395 commencement of the initial term of the new judgeship or
396 chancellorship.

397 **SECTION 20.** Sections 23-15-982, 23-15-983 and 23-15-984,
398 Mississippi Code of 1972, which provide for the calculation of the
399 vote in multijudge districts in which candidates run "in the herd"
400 and the number of votes that may be cast by each elector, are
401 repealed.

402 **SECTION 21.** The Attorney General of the State of Mississippi
403 shall submit this act, immediately upon approval by the Governor,
404 or upon approval by the Legislature subsequent to a veto, to the
405 Attorney General of the United States or to the United States
406 District Court for the District of Columbia in accordance with the

407 provisions of the Voting Rights Act of 1965, as amended and
408 extended.

409 **SECTION 22.** This act shall take effect and be in force from
410 and after January 1, 2007, provided it is effectuated under
411 Section 5 of the Voting Rights Act of 1965, as amended and
412 extended.

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2339: Judicial redistricting; enact and eliminate running in the herd.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

58 **SECTION 1.** Section 9-5-7, Mississippi Code of 1972, is
59 amended as follows:

60 9-5-7. (1) There shall be four (4) chancellors for the
61 First Chancery Court District.

62 (2) For purposes of appointment and election, the four (4)
63 chancellorships shall be separate and distinct and denominated for
64 purposes of appointment and election only as "Place One," "Place
65 Two," "Place Three" and "Place Four." The chancellor to fill
66 Place One shall be a resident of Alcorn, Prentiss or Tishomingo
67 County. The chancellors to fill Place Two and Place Three shall
68 be a resident of Itawamba, Lee, Monroe, Pontotoc or Union County.
69 The chancellor to fill Place Four shall be a resident of any
70 county in the district. Election of the four (4) offices of
71 chancellor shall be by election to be held in every county within
72 the First Chancery Court District of Mississippi.

73 **SECTION 2.** Section 9-5-13, Mississippi Code of 1972, is
74 amended as follows:

75 9-5-13. (1) There shall be three (3) chancellors for the
76 Third Chancery Court District.

77 (2) (a) The chancellor of Subdistrict 3-1 shall be elected
78 from DeSoto County. The two (2) chancellors of Subdistrict 3-2

79 shall be elected from Grenada County, Montgomery County, Panola
80 County, Tate County and Yalobusha County.

81 (b) For purposes of appointment and election, the three
82 (3) chancellorships shall be separate and distinct. The
83 chancellorship in Subdistrict 3-1 shall be denominated only as
84 "Place One," and the chancellorships in Subdistrict 3-2 shall be
85 denominated only as "Place Two" and "Place Three."

86 **SECTION 3.** Section 9-5-22, Mississippi Code of 1972, is
87 amended as follows:

88 9-5-22. (1) There shall be two (2) chancellors for the
89 Sixth Chancery Court District.

90 (2) For purposes of appointment and election, the two (2)
91 chancellorships shall be separate and distinct and denominated for
92 purposes of appointment and election only as "Place One" and
93 "Place Two."

94 **SECTION 4.** Section 9-5-25, Mississippi Code of 1972, is
95 amended as follows:

96 [Until January 1, 2011, this section shall read as follows:]

97 9-5-25. There shall be two (2) chancellors for the Seventh
98 Chancery Court District. One (1) chancellor shall be elected from
99 each subdistrict.

100 [From and after January 1, 2011, this section shall read as
101 follows:]

102 9-5-25. (1) There shall be three (3) chancellors for the
103 Seventh Chancery Court District. The three (3) chancellorships
104 shall be separate and distinct. One (1) chancellor shall be
105 elected from * * * Subdistrict 7-1 and shall be denominated for
106 purposes of appointment and election only as "Place One," and two
107 (2) chancellors shall be elected from Subdistrict 7-2 and shall be
108 denominated for purposes of appointment and election only as
109 "Place Two" and "Place Three."

110 (2) Chancellors in the Seventh Chancery Court District shall
 111 not have the power to name a special master or family master.

112 **SECTION 5.** Section 9-5-36, Mississippi Code of 1972, is
 113 amended as follows:

114 9-5-36. (1) There shall be four (4) chancellors for the
 115 Tenth Chancery Court District.

116 (2) For purposes of appointment and election, the four (4)
 117 chancellorships shall be separate and distinct and denominated for
 118 purposes of appointment and election only as "Place One," "Place
 119 Two," "Place Three" and "Place Four." * * * The chancellor to
 120 fill Place One and Place Four shall be a resident of any county in
 121 the district. The chancellor to fill Place Two shall be a
 122 resident of Lamar, Marion, Pearl River or Perry County. The
 123 chancellor to fill Place Three shall be a resident of Forrest
 124 County. Election of the four (4) offices of chancellor shall be
 125 by election to be held in every county within the Tenth Chancery
 126 Court District of Mississippi.

127 **SECTION 6.** Section 9-5-40, Mississippi Code of 1972, is
 128 amended as follows:

129 9-5-40. (1) There shall be two (2) judges for the Twelfth
 130 Chancery Court District.

131 (2) For purposes of appointment and election, the two (2)
 132 chancellorships shall be separate and distinct and denominated for
 133 purposes of appointment and election only as "Place One" and
 134 "Place Two."

135 **SECTION 7.** Section 9-5-41, Mississippi Code of 1972, is
 136 amended as follows:

137 9-5-41. (1) The Thirteenth Chancery Court District shall be
 138 comprised of the following counties:

- 139 (a) Covington County;
- 140 (b) Jefferson Davis County;
- 141 (c) Lawrence County;

142 (d) Simpson County; and

143 (e) Smith County.

144 (2) There shall be two (2) chancellors for the Thirteenth
145 Chancery Court District. For purposes of appointment and
146 election, the two (2) chancellorships shall be separate and
147 distinct and denominated for purposes of appointment and election
148 only as "Place One" and "Place Two."

149 **SECTION 8.** Section 9-5-54, Mississippi Code of 1972, is
150 amended as follows:

151 9-5-54. (1) There shall be two (2) chancellors for the
152 Eighteenth Chancery Court District.

153 (2) For purposes of appointment and election, the two (2)
154 chancellorships shall be separate and distinct and denominated for
155 purposes of appointment and election only as "Place One" and
156 "Place Two."

157 **SECTION 9.** Section 9-7-7, Mississippi Code of 1972, is
158 amended as follows:

159 9-7-7. (1) There shall be four (4) judges for the First
160 Circuit Court District.

161 (2) For purposes of appointment and election, the four (4)
162 judgeships shall be separate and distinct and denominated for
163 purposes of appointment and election only as "Place One," "Place
164 Two," "Place Three" and "Place Four." The judge to fill Place One
165 shall be a resident of Alcorn, Prentiss or Tishomingo County. The
166 judges to fill Place Two and Place Three shall be a resident of
167 Itawamba, Lee, Monroe or Pontotoc County. The judge to fill Place
168 Four shall be a resident of any county in the district. Election
169 of the four (4) offices of judge shall be by election to be held
170 in every county within the First Circuit Court District.

171 **SECTION 10.** Section 9-7-14, Mississippi Code of 1972, is
172 amended as follows:

173 9-7-14. (1) There shall be ~~three~~ (3) circuit judges for the
 174 Third Circuit Court District.

175 (2) For purposes of appointment and election, the ~~three~~ (3)
 176 judgeships shall be separate and distinct and denominated for
 177 purposes of appointment and election only as "Place One," "Place
 178 Two" and "Place Three." The judge to fill "Place One" shall be a
 179 resident of Calhoun, Chickasaw, Lafayette or Union Counties. The
 180 judge to fill "Place Two" shall be a resident of Benton, Marshall
 181 or Tippah County. The judge to fill "Place Three" shall be a
 182 resident of any county in the district.

183 **SECTION 11.** Section 9-7-20, Mississippi Code of 1972, is
 184 amended as follows:

185 9-7-20. (1) There shall be two (2) judges for the Fifth
 186 Circuit Court District.

187 (2) For purposes of appointment and election, the two (2)
 188 judgeships shall be separate and distinct and denominated for
 189 purposes of appointment and election only as "Place One" and
 190 "Place Two."

191 **SECTION 12.** Section 9-7-32, Mississippi Code of 1972, is
 192 amended as follows:

193 9-7-32. (1) There shall be two (2) judges for the Tenth
 194 Circuit Court District.

195 (2) For purposes of appointment and election, the two (2)
 196 judgeships shall be separate and distinct and denominated for
 197 purposes of appointment and election only as "Place One" and
 198 "Place Two."

199 **SECTION 13.** Section 9-7-39, Mississippi Code of 1972, is
 200 amended as follows:

201 9-7-39. (1) The Fourteenth Circuit Court District shall be
 202 comprised of the following counties:

- 203 (a) Lincoln County;
 204 (b) Pike County; and

205 (c) Walthall County.

206 (2) (a) There shall be two (2) judges for the Fourteenth
207 Circuit Court District.

208 (b) For purposes of appointment and election, the two
209 (2) judgeships shall be separate and distinct and denominated for
210 purposes of appointment and election only as "Place One" and
211 "Place Two."

212 **SECTION 14.** Section 9-7-42, Mississippi Code of 1972, is
213 amended as follows:

214 9-7-42. (1) There shall be two (2) judges for the Fifteenth
215 Circuit Court District.

216 (2) For purposes of appointment and election, the two (2)
217 judgeships shall be separate and distinct and denominated for
218 purposes of appointment and election only as "Place One" and
219 "Place Two."

220 **SECTION 15.** Section 9-7-44, Mississippi Code of 1972, is
221 amended as follows:

222 [Until January 1, 2011, this section shall read as follows:]

223 9-7-44. (1) There shall be two (2) judges for the Sixteenth
224 Circuit Court District.

225 (2) For purposes of appointment and election, the two (2)
226 judgeships shall be separate and distinct and denominated for
227 purposes of appointment and election only as "Place One" and
228 "Place Two."

229 [From and after January 1, 2011, this section shall read as
230 follows:]

231 9-7-44. (1) There shall be three (3) judges for the
232 Sixteenth Circuit Court District.

233 (2) For purposes of appointment and election, the three (3)
234 judgeships shall be separate and distinct and denominated for
235 purposes of appointment and election only as "Place One," "Place
236 Two" and "Place Three." The judge to fill Place One shall be a

237 resident of Lowndes County. The judge to fill Place Two shall be
 238 a resident of Oktibbeha County. The judge to fill Place Three
 239 shall be a resident of either Clay or Noxubee County. Election of
 240 the three (3) offices of judge shall be by election to be held in
 241 every county within the Sixteenth Circuit Court District.

242 **SECTION 16.** Section 9-7-46, Mississippi Code of 1972, is
 243 amended as follows:

244 **[Until January 1, 2011, this section shall read as follows:]**

245 9-7-46. (1) There shall be three (3) circuit judges for the
 246 Seventeenth Circuit Court District.

247 (2) For the purpose of appointment and election, the three
 248 (3) judgeships shall be separate and distinct, and one (1) judge
 249 shall be elected from Subdistrict 17-1 and two (2) judges shall be
 250 elected from Subdistrict 17-2. For purposes of appointment and
 251 election, the three (3) judgeships in shall be separate and
 252 distinct. The two (2) judgeships in Subdistrict 17-2 shall be
 253 denominated as "Place One" and "Place Two," and the judgeship in
 254 Subdistrict 17-1 shall be denominated for as "Place Three."

255 **[From and after January 1, 2011, this section shall read as**
 256 **follows:]**

257 9-7-46. (1) There shall be four (4) circuit judges for the
 258 Seventeenth Circuit Court District.

259 (2) For the purpose of appointment and election, the four
 260 (4) judgeships shall be separate and distinct, and one (1) judge
 261 shall be elected from Subdistrict 17-1, two (2) judges shall be
 262 elected from Subdistrict 17-2, and one (1) judge shall be elected
 263 from the every county in the district. The two (2) judgeships in
 264 Subdistrict 17-2 shall be denominated as "Place One" and "Place
 265 Two," the judgeship in Subdistrict 17-1 shall be denominated as
 266 "Place Three," and the at-large judgeship shall be denominated as
 267 "Place Four."

268 **SECTION 17.** Section 9-7-54, Mississippi Code of 1972, is
269 amended as follows:

270 9-7-54. (1) There shall be two (2) judges for the Twentieth
271 Circuit Court District.

272 (2) For purposes of appointment and election, the two (2)
273 judgeships shall be separate and distinct and denominated for
274 purposes of appointment and election only as "Place One" and
275 "Place Two."

276 **SECTION 18.** Section 9-1-105, Mississippi Code of 1972, is
277 amended as follows:

278 9-1-105. (1) Whenever any judicial officer is unwilling or
279 unable to hear a case or unable to hold or attend any of the
280 courts at the time and place required by law by reason of the
281 physical disability or sickness of such judicial officer, by
282 reason of the absence of such judicial officer from the state, by
283 reason of the disqualification of such judicial officer pursuant
284 to the provision of Section 165, Mississippi Constitution of 1890,
285 or any provision of the Code of Judicial Conduct, or for any other
286 reason, the Chief Justice of the Mississippi Supreme Court, with
287 the advice and consent of a majority of the justices of the
288 Mississippi Supreme Court, may appoint a person as a special judge
289 to hear the case or attend and hold a court.

290 (2) Upon the request of the Chief Judge of the Court of
291 Appeals or the senior judge of a chancery or circuit court
292 district, or upon his own motion, the Chief Justice of the
293 Mississippi Supreme Court, with the advice and consent of a
294 majority of the justices of the Mississippi Supreme Court, shall
295 have the authority to appoint a special judge to serve on a
296 temporary basis in a circuit or chancery court in the event of an
297 emergency or overcrowded docket. It shall be the duty of any
298 special judge so appointed to assist the court to which he is

299 assigned in the disposition of causes so pending in such court for
300 whatever period of time is designated by the Chief Justice.

301 (3) When a vacancy exists for any of the reasons enumerated
302 in Section 9-1-103, the vacancy has not been filled within seven
303 (7) days by an appointment by the Governor, and there is a pending
304 cause or are pending causes in the court where the vacancy exists
305 that in the interests of justice and in the orderly dispatch of
306 the court's business require the appointment of a special judge,
307 the Chief Justice of the Supreme Court, with the advice and
308 consent of a majority of the justices of the Mississippi Supreme
309 Court, may appoint a qualified person as a special judge to fill
310 the vacancy until the Governor makes his appointment and such
311 appointee has taken the oath of office.

312 (4) If the Chief Justice pursuant to this section shall make
313 an appointment within the authority vested in the Governor by
314 reason of Section 165, Mississippi Constitution of 1890, the
315 Governor may at his election appoint a person to so serve. In the
316 event that the Governor makes such an appointment, any appointment
317 made by the Chief Justice pursuant to this section shall be void
318 and of no further force or effect from the date of the Governor's
319 appointment.

320 (5) When a judicial officer is unwilling or unable to hear a
321 case or unable or unwilling to hold court for a period of time not
322 to exceed two (2) weeks, the trial judge or judges of the affected
323 district or county and other trial judges may agree among
324 themselves regarding the appointment of a person for such case or
325 such limited period of time. The trial judges shall submit a
326 notice to the Chief Justice of the Supreme Court informing him of
327 their appointment. If the Chief Justice does not appoint another
328 person to serve as special judge within seven (7) days after
329 receipt of such notice, the person designated in such order shall
330 be deemed appointed.

331 (6) A person appointed to serve as a special judge may be
332 any currently sitting or retired chancery, circuit or county court
333 judge, Court of Appeals judge or Supreme Court Justice, or any
334 other person possessing the qualifications of the judicial office
335 for which the appointment is made; provided, however, that a judge
336 or justice who was retired from service at the polls shall not be
337 eligible for appointment as a special judge in the district in
338 which he served prior to his defeat.

339 (7) Except as otherwise provided in subsection (2) of this
340 section, the need for an appointment pursuant to this section may
341 be certified to the Chief Justice of the Mississippi Supreme Court
342 by any attorney in good standing or other officer of the court.

343 (8) The order appointing a person as a special judge
344 pursuant to this section shall describe as specifically as
345 possible the duration of the appointment.

346 (9) A special judge appointed pursuant to this section shall
347 take the oath of office, if necessary, and shall, for the duration
348 of his appointment, enjoy the full power and authority of the
349 office to which he is appointed.

350 (10) Any currently sitting justice or judge appointed as a
351 special judge under this section shall receive no additional
352 compensation for his or her service as special judge. Any other
353 person appointed as a special judge hereunder shall, for the
354 period of his service, receive compensation from the state for
355 each day's service a sum equal to 1/260 of the current salary in
356 effect for the judicial office; provided, however, that no retired
357 chancery, circuit or county court judge, retired Court of Appeals
358 judge or any retired Supreme Court Justice appointed as a special
359 judge pursuant to this section may, during any fiscal year,
360 receive compensation in excess of twenty-five percent (25%) of the
361 current salary in effect for a chancery or circuit court judge.
362 Any person appointed as a special judge shall be reimbursed for

363 travel expenses incurred in the performance of the official duties
364 to which he may be appointed hereunder in the same manner as other
365 public officials and employees as provided by Section 25-3-41,
366 Mississippi Code of 1972.

367 (11) If any person appointed as such special judge is
368 receiving retirement benefits by virtue of the provisions of the
369 Public Employees' Retirement Law of 1952, appearing as Sections
370 25-11-1 through 25-11-139, Mississippi Code of 1972, such benefits
371 shall not be reduced in any sum whatsoever because of such
372 service, nor shall any sum be deducted as contributions toward
373 retirement under said law.

374 (12) The Supreme Court shall have authority to prescribe
375 rules and regulations reasonably necessary to implement and give
376 effect to the provisions of this section.

377 (13) Nothing in this section shall abrogate the right of
378 attorneys engaged in a case to agree upon a member of the bar to
379 preside in a case pursuant to Section 165 of the Mississippi
380 Constitution of 1890.

381 (14) The Supreme Court shall prepare the necessary payroll
382 for special judges appointed pursuant to this section and shall
383 submit such payroll to the Department of Finance and
384 Administration.

385 (15) Special judges appointed pursuant to this section shall
386 direct requests for reimbursement for travel expenses authorized
387 pursuant to this section to the Supreme Court and the Supreme
388 Court shall submit such requests to the Department of Finance and
389 Administration. The Supreme Court shall have the power to adopt
390 rules and regulations regarding the administration of travel
391 expenses authorized pursuant to this section.

392 **SECTION 19.** The candidates for any new judgeships or
393 chancellorships created under this act shall be entitled to run
394 for those offices in the judicial election prior to the

395 commencement of the initial term of the new judgeship or
396 chancellorship.

397 **SECTION 20.** Sections 23-15-982, 23-15-983 and 23-15-984,
398 Mississippi Code of 1972, which provide for the calculation of the
399 vote in multijudge districts in which candidates run "in the herd"
400 and the number of votes that may be cast by each elector, are
401 repealed.

402 **SECTION 21.** The Attorney General of the State of Mississippi
403 shall submit this act, immediately upon approval by the Governor,
404 or upon approval by the Legislature subsequent to a veto, to the
405 Attorney General of the United States or to the United States
406 District Court for the District of Columbia in accordance with the
407 provisions of the Voting Rights Act of 1965, as amended and
408 extended.

409 **SECTION 22.** This act shall take effect and be in force from
410 and after January 1, 2007, provided it is effectuated under
411 Section 5 of the Voting Rights Act of 1965, as amended and
412 extended.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO ENACT REDISTRICTING OF THE CHANCERY AND CIRCUIT
2 COURTS; TO AMEND SECTION 9-5-7, MISSISSIPPI CODE OF 1972, TO ADD A
3 CHANCELLOR AND ELIMINATE RUNNING IN THE HERD IN THE FIRST CHANCERY
4 COURT DISTRICT; TO AMEND SECTION 9-5-13, MISSISSIPPI CODE OF 1972,
5 TO ELIMINATE RUNNING IN THE HERD IN THE THIRD CHANCERY COURT
6 DISTRICT; TO AMEND SECTION 9-5-22, MISSISSIPPI CODE OF 1972, TO
7 ELIMINATE RUNNING IN THE HERD IN THE SIXTH CHANCERY COURT
8 DISTRICT; TO AMEND SECTION 9-5-25, MISSISSIPPI CODE OF 1972, TO
9 ADD A CHANCELLOR TO THE SEVENTH CHANCERY COURT DISTRICT FOR THE
10 TERM OF OFFICE COMMENCING IN 2011 AND TO PROHIBIT APPOINTMENT OF
11 MASTERS AFTER THAT DATE; TO AMEND SECTION 9-5-36, MISSISSIPPI CODE
12 OF 1972, TO ADD A CHANCELLOR TO THE TENTH CHANCERY COURT DISTRICT;
13 TO AMEND SECTION 9-5-40, MISSISSIPPI CODE OF 1972, TO ELIMINATE
14 RUNNING IN THE HERD IN THE TWELFTH CHANCERY COURT DISTRICT; TO
15 AMEND SECTION 9-5-41, MISSISSIPPI CODE OF 1972, TO ELIMINATE
16 RUNNING IN THE HERD IN THE THIRTEENTH CHANCERY COURT DISTRICT AND
17 TO ADD A CHANCELLOR TO THAT DISTRICT; TO AMEND SECTION 9-5-54,
18 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
19 EIGHTEENTH CHANCERY COURT DISTRICT; TO AMEND SECTION 9-7-7,
20 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
21 FIRST CIRCUIT COURT DISTRICT AND TO ADD A JUDGE; TO AMEND SECTION
22 9-7-14, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD
23 IN THE THIRD CIRCUIT COURT DISTRICT AND TO ADD A JUDGE; TO AMEND

24 SECTION 9-7-20, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN
 25 THE HERD IN THE FIFTH CIRCUIT COURT DISTRICT; TO AMEND SECTION
 26 9-7-32, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD
 27 IN THE TENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-39,
 28 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
 29 FOURTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-42,
 30 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
 31 FIFTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-44,
 32 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
 33 SIXTEENTH CIRCUIT COURT DISTRICT AND TO ADD A JUDGE FOR THE TERM
 34 OF OFFICE COMMENCING IN 2011; TO AMEND SECTION 9-7-46, MISSISSIPPI
 35 CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE SEVENTEENTH
 36 CIRCUIT COURT DISTRICT AND TO ADD A JUDGE FOR THE TERM OF OFFICE
 37 COMMENCING IN 2011; TO AMEND SECTION 9-7-54, MISSISSIPPI CODE OF
 38 1972, TO ELIMINATE RUNNING IN THE HERD IN THE TWENTIETH CIRCUIT
 39 COURT DISTRICT; TO AMEND SECTION 9-1-105, MISSISSIPPI CODE OF
 40 1972, TO CLARIFY THE AUTHORITY OF THE CHIEF JUSTICE TO ASSIGN A
 41 SPECIAL JUDGE TO ASSIST A CHANCERY OR CIRCUIT COURT WITH A BACKLOG
 42 OF CASES; TO CLARIFY THAT CANDIDATES MAY QUALIFY AND RUN FOR NEW
 43 JUDICIAL POSITIONS IN THE IMMEDIATELY PRECEDING REGULAR JUDICIAL
 44 ELECTION; TO REPEAL SECTIONS 23-15-982, 23-15-983 AND 23-15-984,
 45 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE CALCULATION OF
 46 VOTE IN MULTIJUDGE DISTRICTS WHEREIN CANDIDATES RUN "IN THE HERD"
 47 AND THE NUMBER OF VOTES THAT MAY BE CAST BY EACH ELECTOR; AND FOR
 48 RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)
 Ross

X (SIGNED)
 Doxey

X (SIGNED)
 Little

CONFEREES FOR THE HOUSE

(NOT SIGNED)
 Blackmon

X (SIGNED)
 Coleman (29th)

X (SIGNED)
 Reynolds

House Amendments to Senate Bill No. 2339

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 2

1 **AMEND** by striking lines 56 through 59 in their entirety and
2 inserting in lieu thereof the following:

3 "(2) For purposes of appointment and election, the four (4)
4 chancellorships shall be separate and distinct and denominated for
5 purposes of appointment and election only as "Place One," "Place
6 Two," "Place Three" and "Place Four." The chancellor to fill
7 Place One shall be a resident of Alcorn, Prentiss or Tishomingo
8 County. The chancellor to fill Place Two shall be a resident of
9 Itawamba, Lee, Monroe, Pontotoc or Union County. The chancellors
10 to fill Place Three and Place Four shall be residents of Alcorn,
11 Itawamba, Lee, Monroe, Pontotoc, Prentiss, Tishomingo or Union
12 Counties. Election of the four (4) offices of chancellor shall be
13 by election to be held in every county within the First Chancery
14 Court District of Mississippi."

15 **AMEND FURTHER** by striking lines 82 through 92 in their
16 entirety and inserting in lieu thereof the following:

17 "9-5-25. There shall be three (3) chancellors for the
18 Seventh Chancery Court District. One (1) chancellor shall be
19 elected from Subdistrict 7-1 and two (2) chancellors shall be
20 elected from Subdistrict 7-2. For purposes of appointment and
21 election, the two (2) chancellorships for Subdistrict 7-2 shall be
22 separate and distinct and denominated for purposes of appointment
23 and election only as "Place One" and "Place Two.""

24 **AMEND FURTHER** by striking lines 148 through 153 in their
25 entirety and inserting in lieu thereof the following:

26 "9-7-14. (1) There shall be three (3) circuit judges for
27 the Third Circuit Court District.

28 (2) For purposes of appointment and election, the three (3)
29 judgeships shall be separate and distinct and denominated for
30 purposes of appointment and election only as "Place One," "Place
31 Two" and "Place Three." The judge for "Place Three" shall be a
32 resident of Benton, Marshall or Tippah County."

33 **AMEND FURTHER** by striking lines 140 through 145 in their
34 entirety and inserting in lieu thereof the following:

35 "9-7-7. (1) There shall be four (4) judges for the First
36 Circuit Court District.

37 (2) For purposes of appointment and election, the four (4)
38 judgeships shall be separate and distinct and denominated for
39 purposes of appointment and election only as "Place One," "Place
40 Two," "Place Three" and "Place Four." The judge to fill Place One
41 shall be a resident of Alcorn, Prentiss or Tishomingo County. The
42 judge to fill Place Two shall be a resident of Itawamba, Lee,
43 Monroe or Pontotoc County. The judges to fill Place Three and
44 Place Four shall be residents of Alcorn, Itawamba, Lee, Monroe,
45 Pontotoc, Prentiss or Tishomingo Counties. Election of the four
46 (4) offices of judge shall be by election to be held in every
47 county within the First Circuit Court District of Mississippi."

48 **AMEND FURTHER** by striking lines 201 through 209 in their
49 entirety and inserting in lieu thereof the following:

50 "9-7-46. (1) There shall be four (4) circuit judges for the
51 Seventeenth Circuit Court District.

52 (2) For the purpose of appointment and election, the four
53 (4) judgeships shall be separate and distinct, and two (2) judges
54 shall be elected from Subdistrict 17-1 and two (2) judges shall be
55 elected from Subdistrict 17-2. For purposes of appointment and
56 election, the two (2) judgeships in Subdistrict 17-1 shall be
57 separate and distinct and denominated for purposes of appointment
58 and election only as "Place One" and "Place Two." For purposes of
59 appointment and election, the two (2) judgeships in Subdistrict

60 17-2 shall be separate and distinct and denominated for purposes
61 of election and appointment as "Place One" and "Place Two."

62 **AMEND FURTHER** by striking lines 193 through 198 in their
63 entirety and inserting in lieu thereof the following:

64 "9-7-44. There shall be three (3) judges for the Sixteenth
65 Circuit Court District."

66 **AMEND FURTHER** by striking lines 212 through 217 in their
67 entirety and inserting in lieu thereof the following:

68 "9-7-54. (1) The Twentieth Circuit Court District shall be
69 divided into two (2) subdistricts. Subdistrict 20-1 shall be
70 Madison County and Subdistrict 20-2 shall be Rankin County.

71 (2) There shall be four (4) judges for the Twentieth Circuit
72 Court District. Two (2) judges shall be elected from each
73 subdistrict. For purposes of appointment and election, the two
74 (2) judgeships in Subdistrict 20-2 shall be separate and distinct
75 and denominated for purposes of appointment and election only as
76 "Place One" and "Place Two."

77 (3) Subdistrict 20-1 shall be divided into two (2) divisions
78 as follows:

79 (a) (i) Division 1 shall consist of the following
80 precincts: Ratliff Ferry, Canton Precinct 2, Canton Precinct 3,
81 Canton Precinct 7, Smith School, Magnolia Heights, Flora,
82 Virililia, Canton Precinct 5, Liberty, New Industrial Park, Madison
83 County Baptist Family Life Center, Cameron, Couparle, Camden,
84 Sharon, Canton Precinct 1, Canton Precinct 4, Luther Branson
85 School and Bible Church Precincts.

86 (ii) Division 1 shall consist of the following
87 partial precincts: Madisonville and Bear Creek Precincts. The
88 Split Precinct Block List developed in conjunction with Chapter
89 761, Laws of 2002, that details portions of partial or split
90 precincts that are contained within a subdistrict by census tract
91 and block number and was utilized in developing the partial or

92 split precincts of this subdistrict is hereby incorporated and
93 shall be construed to be an integral part of this section.

94 (b) (i) Division 2 shall consist of the following
95 precincts: Trace Harbor, Main Harbor, Victory Baptist Church,
96 Madison 1, Madison 2, Madison 3, Ridgeland 3, Ridgeland 4,
97 Ridgeland First Methodist Church, Gluckstadt, Lorman-Cavalier,
98 Ridgeland 1, Tougaloo, Cobblestone Church of God, Highland Colony
99 Baptist Church and Whisper Lake Precincts.

100 (ii) Division 2 shall consist of that portion of
101 the following partial precincts not included in Subdistrict 23-1:
102 Madisonville and Bear Creek Precincts."

HR03\SB2339A.4J
AMENDMENT NO. 4

1 **AMEND** on lines 185 and 187 by changing "two (2)" to "three
2 (3)"

3 **AMEND FURTHER** on line 189 by inserting a comma after "One"
4 and deleting "and"

5 **AMEND FURTHER** on line 190 after the word "Two" by inserting
6 "and "Place Three""

HR03\SB2339A.3J

Don Richardson
Clerk of the House of Representatives

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2005

By: Senator(s) Ross

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2339

1 AN ACT TO ENACT REDISTRICTING OF THE CHANCERY AND CIRCUIT
2 COURTS; TO AMEND SECTION 9-5-7, MISSISSIPPI CODE OF 1972, TO ADD A
3 CHANCELLOR AND ELIMINATE RUNNING IN THE HERD IN THE FIRST CHANCERY
4 COURT DISTRICT; TO AMEND SECTION 9-5-13, MISSISSIPPI CODE OF 1972,
5 TO ELIMINATE RUNNING IN THE HERD IN THE THIRD CHANCERY COURT
6 DISTRICT; TO AMEND SECTION 9-5-22, MISSISSIPPI CODE OF 1972, TO
7 ELIMINATE RUNNING IN THE HERD IN THE SIXTH CHANCERY COURT
8 DISTRICT; TO AMEND SECTION 9-5-25, MISSISSIPPI CODE OF 1972, TO
9 ADD A CHANCELLOR TO THE SEVENTH CHANCERY COURT DISTRICT; TO AMEND
10 SECTION 9-5-36, MISSISSIPPI CODE OF 1972, TO ADD A CHANCELLOR TO
11 THE TENTH CHANCERY COURT DISTRICT; TO AMEND SECTION 9-5-40,
12 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
13 TWELFTH CHANCERY COURT DISTRICT; TO AMEND SECTION 9-5-41,
14 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
15 THIRTEENTH CHANCERY COURT DISTRICT AND TO ADD A CHANCELLOR TO THAT
16 DISTRICT; TO AMEND SECTION 9-5-54, MISSISSIPPI CODE OF 1972, TO
17 ELIMINATE RUNNING IN THE HERD IN THE EIGHTEENTH CHANCERY COURT
18 DISTRICT; TO AMEND SECTION 9-7-7, MISSISSIPPI CODE OF 1972, TO
19 ELIMINATE RUNNING IN THE HERD IN THE FIRST CIRCUIT COURT DISTRICT;
20 TO AMEND SECTION 9-7-14, MISSISSIPPI CODE OF 1972, TO ELIMINATE
21 RUNNING IN THE HERD IN THE THIRD CIRCUIT COURT DISTRICT; TO AMEND
22 SECTION 9-7-20, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN
23 THE HERD IN THE FIFTH CIRCUIT COURT DISTRICT; TO AMEND SECTION
24 9-7-32, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD
25 IN THE TENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-39,
26 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
27 FOURTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-42,
28 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
29 FIFTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-44,
30 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
31 SIXTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-46,
32 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
33 SEVENTEENTH CIRCUIT COURT DISTRICT, SUBDISTRICT 17-2; TO AMEND
34 SECTION 9-7-54, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN
35 THE HERD IN THE TWENTIETH CIRCUIT COURT DISTRICT; TO AMEND SECTION
36 9-1-105, MISSISSIPPI CODE OF 1972, TO CLARIFY THE AUTHORITY OF THE
37 CHIEF JUSTICE TO ASSIGN A SPECIAL JUDGE TO ASSIST A CHANCERY OR
38 CIRCUIT COURT WITH A BACKLOG OF CASES; TO REPEAL SECTIONS
39 23-15-982, 23-15-983 AND 23-15-984, MISSISSIPPI CODE OF 1972,
40 WHICH PROVIDE FOR THE CALCULATION OF VOTE IN MULTIJUDGE DISTRICTS
41 WHEREIN CANDIDATES RUN "IN THE HERD" AND THE NUMBER OF VOTES THAT
42 MAY BE CAST BY EACH ELECTOR; AND FOR RELATED PURPOSES.

43 WHEREAS, it is the responsibility of the Legislature under
44 Section 152 of the Mississippi Constitution of 1890 to divide the
45 state into an appropriate number of circuit court districts and
46 chancery court districts; and

47 WHEREAS, the Legislature has thoroughly investigated the
48 state of the trial courts and trial court districts and has
49 considered the needs of the state according to all the criteria
50 imposed by the Constitution and by general law; NOW THEREFORE,

51 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

52 **SECTION 1.** Section 9-5-7, Mississippi Code of 1972, is
53 amended as follows:

54 9-5-7. (1) There shall be four (4) chancellors for the
55 First Chancery Court District.

56 (2) For purposes of appointment and election, the four (4)
57 chancellorships shall be separate and distinct and denominated for
58 purposes of appointment and election only as "Place One," "Place
59 Two," "Place Three" and "Place Four."

60 **SECTION 2.** Section 9-5-13, Mississippi Code of 1972, is
61 amended as follows:

62 9-5-13. (1) There shall be three (3) chancellors for the
63 Third Chancery Court District.

64 (2) (a) The chancellor of Subdistrict 3-1 shall be elected
65 from DeSoto County. The two (2) chancellors of Subdistrict 3-2
66 shall be elected from Grenada County, Montgomery County, Panola
67 County, Tate County and Yalobusha County.

68 (b) For purposes of appointment and election, the two
69 (2) chancellorships of Subdistrict 3-2 shall be separate and
70 distinct and denominated for purposes of appointment and election
71 only as "Place 3-2 One" and "Place 3-2 Two."

72 **SECTION 3.** Section 9-5-22, Mississippi Code of 1972, is
73 amended as follows:

74 9-5-22. (1) There shall be two (2) chancellors for the
75 Sixth Chancery Court District.

76 (2) For purposes of appointment and election, the two (2)
77 chancellorships shall be separate and distinct and denominated for
78 purposes of appointment and election only as "Place One" and
79 "Place Two."

80 **SECTION 4.** Section 9-5-25, Mississippi Code of 1972, is
81 amended as follows:

82 9-5-25. (1) There shall be three (3) chancellors for the
83 Seventh Chancery Court District. One (1) chancellor shall be
84 elected from each subdistrict and the third chancellor shall be
85 elected from the Seventh Chancery Court District at large.

86 (2) For purposes of appointment and election, the three (3)
87 chancellorships shall be separate and distinct and denominated for
88 purposes of appointment and election only as "Place One," "Place
89 Two" and "Place Three." "Place One" shall be that chancellor
90 elected from Subdistrict 7-1, "Place Two" shall be that chancellor
91 elected from Subdistrict 7-2, and "Place Three" shall be that
92 chancellor elected from the district at large.

93 **SECTION 5.** Section 9-5-36, Mississippi Code of 1972, is
94 amended as follows:

95 9-5-36. (1) There shall be four (4) chancellors for the
96 Tenth Chancery Court District.

97 (2) For purposes of appointment and election, the four (4)
98 chancellorships shall be separate and distinct and denominated for
99 purposes of appointment and election only as "Place One," "Place
100 Two," "Place Three" and "Place Four." * * * The chancellor to
101 fill Place One and Place Four shall be a resident of Forrest,
102 Lamar, Marion, Pearl River or Perry County. The chancellor to
103 fill Place Two shall be a resident of Lamar, Marion, Pearl River
104 or Perry County. The chancellor to fill Place Three shall be a
105 resident of Forrest County. Election of the four (4) offices of
106 chancellor shall be by election to be held in every county within
107 the Tenth Chancery Court District of Mississippi.

108 **SECTION 6.** Section 9-5-40, Mississippi Code of 1972, is
109 amended as follows:

110 9-5-40. (1) There shall be two (2) judges for the Twelfth
111 Chancery Court District.

112 (2) For purposes of appointment and election, the two (2)
113 chancellorships shall be separate and distinct and denominated for
114 purposes of appointment and election only as "Place One" and
115 "Place Two."

116 **SECTION 7.** Section 9-5-41, Mississippi Code of 1972, is
117 amended as follows:

118 9-5-41. (1) The Thirteenth Chancery Court District shall be
119 comprised of the following counties:

- 120 (a) Covington County;
- 121 (b) Jefferson Davis County;
- 122 (c) Lawrence County;
- 123 (d) Simpson County; and
- 124 (e) Smith County.

125 (2) There shall be two (2) chancellors for the Thirteenth
126 Chancery Court District. For purposes of appointment and
127 election, the two (2) chancellorships shall be separate and
128 distinct and denominated for purposes of appointment and election
129 only as "Place One" and "Place Two."

130 **SECTION 8.** Section 9-5-54, Mississippi Code of 1972, is
131 amended as follows:

132 9-5-54. (1) There shall be two (2) chancellors for the
133 Eighteenth Chancery Court District.

134 (2) For purposes of appointment and election, the two (2)
135 chancellorships shall be separate and distinct and denominated for
136 purposes of appointment and election only as "Place One" and
137 "Place Two."

138 **SECTION 9.** Section 9-7-7, Mississippi Code of 1972, is
139 amended as follows:

140 9-7-7. (1) There shall be three (3) judges for the First
141 Circuit Court District.

142 (2) For purposes of appointment and election, the three (3)
143 judgeships shall be separate and distinct and denominated for

144 purposes of appointment and election only as "Place One," "Place
145 Two" and "Place Three."

146 **SECTION 10.** Section 9-7-14, Mississippi Code of 1972, is
147 amended as follows:

148 9-7-14. (1) There shall be two (2) circuit judges for the
149 Third Circuit Court District.

150 (2) For purposes of appointment and election, the two (2)
151 judgeships shall be separate and distinct and denominated for
152 purposes of appointment and election only as "Place One" and
153 "Place Two."

154 **SECTION 11.** Section 9-7-20, Mississippi Code of 1972, is
155 amended as follows:

156 9-7-20. (1) There shall be two (2) judges for the Fifth
157 Circuit Court District.

158 (2) For purposes of appointment and election, the two (2)
159 judgeships shall be separate and distinct and denominated for
160 purposes of appointment and election only as "Place One" and
161 "Place Two."

162 **SECTION 12.** Section 9-7-32, Mississippi Code of 1972, is
163 amended as follows:

164 9-7-32. (1) There shall be two (2) judges for the Tenth
165 Circuit Court District.

166 (2) For purposes of appointment and election, the two (2)
167 judgeships shall be separate and distinct and denominated for
168 purposes of appointment and election only as "Place One" and
169 "Place Two."

170 **SECTION 13.** Section 9-7-39, Mississippi Code of 1972, is
171 amended as follows:

172 9-7-39. (1) The Fourteenth Circuit Court District shall be
173 comprised of the following counties:

- 174 (a) Lincoln County;
175 (b) Pike County; and
176 (c) Walthall County.

177 (2) (a) There shall be two (2) judges for the Fourteenth
178 Circuit Court District.

179 (b) For purposes of appointment and election, the two
180 (2) judgeships shall be separate and distinct and denominated for
181 purposes of appointment and election only as "Place One" and
182 "Place Two."

183 **SECTION 14.** Section 9-7-42, Mississippi Code of 1972, is
184 amended as follows:

185 9-7-42. (1) There shall be two (2) judges for the Fifteenth
186 Circuit Court District.

187 (2) For purposes of appointment and election, the two (2)
188 judgeships shall be separate and distinct and denominated for
189 purposes of appointment and election only as "Place One" and
190 "Place Two."

191 **SECTION 15.** Section 9-7-44, Mississippi Code of 1972, is
192 amended as follows:

193 9-7-44. (1) There shall be two (2) judges for the Sixteenth
194 Circuit Court District.

195 (2) For purposes of appointment and election, the two (2)
196 judgeships shall be separate and distinct and denominated for
197 purposes of appointment and election only as "Place One" and
198 "Place Two."

199 **SECTION 16.** Section 9-7-46, Mississippi Code of 1972, is
200 amended as follows:

201 9-7-46. (1) There shall be three (3) circuit judges for the
202 Seventeenth Circuit Court District.

203 (2) For the purpose of appointment and election, the three
204 (3) judgeships shall be separate and distinct, and one (1) judge
205 shall be elected from Subdistrict 17-1 and two (2) judges shall be
206 elected from Subdistrict 17-2. For purposes of appointment and
207 election, the two (2) judgeships in Subdistrict 17-2 shall be
208 separate and distinct and denominated for purposes of appointment
209 and election only as "Place 17-2 One" and "Place 17-2 Two."

210 **SECTION 17.** Section 9-7-54, Mississippi Code of 1972, is
211 amended as follows:

212 9-7-54. (1) There shall be two (2) judges for the Twentieth
213 Circuit Court District.

214 (2) For purposes of appointment and election, the two (2)
215 judgeships shall be separate and distinct and denominated for
216 purposes of appointment and election only as "Place One" and
217 "Place Two."

218 **SECTION 18.** Section 9-1-105, Mississippi Code of 1972, is
219 amended as follows:

220 9-1-105. (1) Whenever any judicial officer is unwilling or
221 unable to hear a case or unable to hold or attend any of the
222 courts at the time and place required by law by reason of the
223 physical disability or sickness of such judicial officer, by
224 reason of the absence of such judicial officer from the state, by
225 reason of the disqualification of such judicial officer pursuant
226 to the provision of Section 165, Mississippi Constitution of 1890,
227 or any provision of the Code of Judicial Conduct, or for any other
228 reason, the Chief Justice of the Mississippi Supreme Court, with
229 the advice and consent of a majority of the justices of the
230 Mississippi Supreme Court, may appoint a person as a special judge
231 to hear the case or attend and hold a court.

232 (2) Upon the request of the Chief Judge of the Court of
233 Appeals or the senior judge of a chancery or circuit court
234 district, the Chief Justice of the Mississippi Supreme Court, with
235 the advice and consent of a majority of the justices of the
236 Mississippi Supreme Court, shall have the authority to appoint a
237 special judge to serve on a temporary basis in a circuit or
238 chancery court in the event of an emergency or overcrowded docket.
239 It shall be the duty of any special judge so appointed to assist
240 the court to which he is assigned in the disposition of causes so
241 pending in such court for whatever period of time is designated by
242 the Chief Justice.

243 (3) When a vacancy exists for any of the reasons enumerated
244 in Section 9-1-103, the vacancy has not been filled within seven
245 (7) days by an appointment by the Governor, and there is a pending
246 cause or are pending causes in the court where the vacancy exists
247 that in the interests of justice and in the orderly dispatch of
248 the court's business require the appointment of a special judge,
249 the Chief Justice of the Supreme Court, with the advice and
250 consent of a majority of the justices of the Mississippi Supreme
251 Court, may appoint a qualified person as a special judge to fill
252 the vacancy until the Governor makes his appointment and such
253 appointee has taken the oath of office.

254 (4) If the Chief Justice pursuant to this section shall make
255 an appointment within the authority vested in the Governor by
256 reason of Section 165, Mississippi Constitution of 1890, the
257 Governor may at his election appoint a person to so serve. In the
258 event that the Governor makes such an appointment, any appointment
259 made by the Chief Justice pursuant to this section shall be void
260 and of no further force or effect from the date of the Governor's
261 appointment.

262 (5) When a judicial officer is unwilling or unable to hear a
263 case or unable or unwilling to hold court for a period of time not
264 to exceed two (2) weeks, the trial judge or judges of the affected
265 district or county and other trial judges may agree among
266 themselves regarding the appointment of a person for such case or
267 such limited period of time. The trial judges shall submit a
268 notice to the Chief Justice of the Supreme Court informing him of
269 their appointment. If the Chief Justice does not appoint another
270 person to serve as special judge within seven (7) days after
271 receipt of such notice, the person designated in such order shall
272 be deemed appointed.

273 (6) A person appointed to serve as a special judge may be
274 any currently sitting or retired chancery, circuit or county court
275 judge, Court of Appeals judge or Supreme Court Justice, or any

276 other person possessing the qualifications of the judicial office
277 for which the appointment is made; provided, however, that a judge
278 or justice who was retired from service at the polls shall not be
279 eligible for appointment as a special judge in the district in
280 which he served prior to his defeat.

281 (7) Except as otherwise provided in subsection (2) of this
282 section, the need for an appointment pursuant to this section may
283 be certified to the Chief Justice of the Mississippi Supreme Court
284 by any attorney in good standing or other officer of the court.

285 (8) The order appointing a person as a special judge
286 pursuant to this section shall describe as specifically as
287 possible the duration of the appointment.

288 (9) A special judge appointed pursuant to this section shall
289 take the oath of office, if necessary, and shall, for the duration
290 of his appointment, enjoy the full power and authority of the
291 office to which he is appointed.

292 (10) Any currently sitting justice or judge appointed as a
293 special judge under this section shall receive no additional
294 compensation for his or her service as special judge. Any other
295 person appointed as a special judge hereunder shall, for the
296 period of his service, receive compensation from the state for
297 each day's service a sum equal to 1/260 of the current salary in
298 effect for the judicial office; provided, however, that no retired
299 chancery, circuit or county court judge, retired Court of Appeals
300 judge or any retired Supreme Court Justice appointed as a special
301 judge pursuant to this section may, during any fiscal year,
302 receive compensation in excess of twenty-five percent (25%) of the
303 current salary in effect for a chancery or circuit court judge.
304 Any person appointed as a special judge shall be reimbursed for
305 travel expenses incurred in the performance of the official duties
306 to which he may be appointed hereunder in the same manner as other
307 public officials and employees as provided by Section 25-3-41,
308 Mississippi Code of 1972.

309 (11) If any person appointed as such special judge is
310 receiving retirement benefits by virtue of the provisions of the
311 Public Employees' Retirement Law of 1952, appearing as Sections
312 25-11-1 through 25-11-139, Mississippi Code of 1972, such benefits
313 shall not be reduced in any sum whatsoever because of such
314 service, nor shall any sum be deducted as contributions toward
315 retirement under said law.

316 (12) The Supreme Court shall have authority to prescribe
317 rules and regulations reasonably necessary to implement and give
318 effect to the provisions of this section.

319 (13) Nothing in this section shall abrogate the right of
320 attorneys engaged in a case to agree upon a member of the bar to
321 preside in a case pursuant to Section 165 of the Mississippi
322 Constitution of 1890.

323 (14) The Supreme Court shall prepare the necessary payroll
324 for special judges appointed pursuant to this section and shall
325 submit such payroll to the Department of Finance and
326 Administration.

327 (15) Special judges appointed pursuant to this section shall
328 direct requests for reimbursement for travel expenses authorized
329 pursuant to this section to the Supreme Court and the Supreme
330 Court shall submit such requests to the Department of Finance and
331 Administration. The Supreme Court shall have the power to adopt
332 rules and regulations regarding the administration of travel
333 expenses authorized pursuant to this section.

334 **SECTION 19.** Sections 23-15-982, 23-15-983 and 23-15-984,
335 Mississippi Code of 1972, which provide for the calculation of the
336 vote in multijudge districts in which candidates run "in the herd"
337 and the number of votes that may be cast by each elector, are
338 repealed.

339 **SECTION 20.** The Attorney General of the State of Mississippi
340 shall submit this act, immediately upon approval by the Governor,
341 or upon approval by the Legislature subsequent to a veto, to the

342 Attorney General of the United States or to the United States
343 District Court for the District of Columbia in accordance with the
344 provisions of the Voting Rights Act of 1965, as amended and
345 extended.

346 **SECTION 21.** This act shall take effect and be in force from
347 and after January 1, 2007, provided it is effectuated under
348 Section 5 of the Voting Rights Act of 1965, as amended and
349 extended; the candidates for any new judgeships or chancellorships
350 created under this act shall be entitled to run for those offices
351 in the November 2006 judicial elections.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2005

By: Senator(s) Ross

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2339

1 AN ACT TO ENACT REDISTRICTING OF THE CHANCERY AND CIRCUIT
2 COURTS; TO AMEND SECTION 9-5-7, MISSISSIPPI CODE OF 1972, TO ADD A
3 CHANCELLOR AND ELIMINATE RUNNING IN THE HERD IN THE FIRST CHANCERY
4 COURT DISTRICT; TO AMEND SECTION 9-5-13, MISSISSIPPI CODE OF 1972,
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7 ELIMINATE RUNNING IN THE HERD IN THE SIXTH CHANCERY COURT
8 DISTRICT; TO AMEND SECTION 9-5-25, MISSISSIPPI CODE OF 1972, TO
9 ADD A CHANCELLOR TO THE SEVENTH CHANCERY COURT DISTRICT; TO AMEND
10 SECTION 9-5-36, MISSISSIPPI CODE OF 1972, TO ADD A CHANCELLOR TO
11 THE TENTH CHANCERY COURT DISTRICT; TO AMEND SECTION 9-5-40,
12 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
13 TWELFTH CHANCERY COURT DISTRICT; TO AMEND SECTION 9-5-41,
14 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
15 THIRTEENTH CHANCERY COURT DISTRICT AND TO ADD A CHANCELLOR TO THAT
16 DISTRICT; TO AMEND SECTION 9-5-54, MISSISSIPPI CODE OF 1972, TO
17 ELIMINATE RUNNING IN THE HERD IN THE EIGHTEENTH CHANCERY COURT
18 DISTRICT; TO AMEND SECTION 9-7-7, MISSISSIPPI CODE OF 1972, TO
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23 THE HERD IN THE FIFTH CIRCUIT COURT DISTRICT; TO AMEND SECTION
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33 SEVENTEENTH CIRCUIT COURT DISTRICT, SUBDISTRICT 17-2; TO AMEND
34 SECTION 9-7-54, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN
35 THE HERD IN THE TWENTIETH CIRCUIT COURT DISTRICT; TO AMEND SECTION
36 9-1-105, MISSISSIPPI CODE OF 1972, TO CLARIFY THE AUTHORITY OF THE
37 CHIEF JUSTICE TO ASSIGN A SPECIAL JUDGE TO ASSIST A CHANCERY OR
38 CIRCUIT COURT WITH A BACKLOG OF CASES; TO REPEAL SECTIONS
39 23-15-982, 23-15-983 AND 23-15-984, MISSISSIPPI CODE OF 1972,
40 WHICH PROVIDE FOR THE CALCULATION OF VOTE IN MULTIJUDGE DISTRICTS
41 WHEREIN CANDIDATES RUN "IN THE HERD" AND THE NUMBER OF VOTES THAT
42 MAY BE CAST BY EACH ELECTOR; AND FOR RELATED PURPOSES.

43 WHEREAS, it is the responsibility of the Legislature under
44 Section 152 of the Mississippi Constitution of 1890 to divide the
45 state into an appropriate number of circuit court districts and
46 chancery court districts; and

47 WHEREAS, the Legislature has thoroughly investigated the
48 state of the trial courts and trial court districts and has
49 considered the needs of the state according to all the criteria
50 imposed by the Constitution and by general law; NOW THEREFORE,

51 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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55 First Chancery Court District.

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57 chancellorships shall be separate and distinct and denominated for
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59 Two," "Place Three" and "Place Four."

60 **SECTION 2.** Section 9-5-13, Mississippi Code of 1972, is
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62 9-5-13. (1) There shall be three (3) chancellors for the
63 Third Chancery Court District.

64 (2) (a) The chancellor of Subdistrict 3-1 shall be elected
65 from DeSoto County. The two (2) chancellors of Subdistrict 3-2
66 shall be elected from Grenada County, Montgomery County, Panola
67 County, Tate County and Yalobusha County.

68 (b) For purposes of appointment and election, the two
69 (2) chancellorships of Subdistrict 3-2 shall be separate and
70 distinct and denominated for purposes of appointment and election
71 only as "Place 3-2 One" and "Place 3-2 Two."

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76 (2) For purposes of appointment and election, the two (2)
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81 amended as follows:

82 9-5-25. (1) There shall be three (3) chancellors for the
83 Seventh Chancery Court District. One (1) chancellor shall be
84 elected from each subdistrict and the third chancellor shall be
85 elected from the Seventh Chancery Court District at large.

86 (2) For purposes of appointment and election, the three (3)
87 chancellorships shall be separate and distinct and denominated for
88 purposes of appointment and election only as "Place One," "Place
89 Two" and "Place Three." "Place One" shall be that chancellor
90 elected from Subdistrict 7-1, "Place Two" shall be that chancellor
91 elected from Subdistrict 7-2, and "Place Three" shall be that
92 chancellor elected from the district at large.

93 **SECTION 5.** Section 9-5-36, Mississippi Code of 1972, is
94 amended as follows:

95 9-5-36. (1) There shall be four (4) chancellors for the
96 Tenth Chancery Court District.

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98 chancellorships shall be separate and distinct and denominated for
99 purposes of appointment and election only as "Place One," "Place
100 Two," "Place Three" and "Place Four." * * * The chancellor to
101 fill Place One and Place Four shall be a resident of Forrest,
102 Lamar, Marion, Pearl River or Perry County. The chancellor to
103 fill Place Two shall be a resident of Lamar, Marion, Pearl River
104 or Perry County. The chancellor to fill Place Three shall be a
105 resident of Forrest County. Election of the four (4) offices of
106 chancellor shall be by election to be held in every county within
107 the Tenth Chancery Court District of Mississippi.

108 **SECTION 6.** Section 9-5-40, Mississippi Code of 1972, is
109 amended as follows:

110 9-5-40. (1) There shall be two (2) judges for the Twelfth
111 Chancery Court District.

112 (2) For purposes of appointment and election, the two (2)
113 chancellorships shall be separate and distinct and denominated for
114 purposes of appointment and election only as "Place One" and
115 "Place Two."

116 **SECTION 7.** Section 9-5-41, Mississippi Code of 1972, is
117 amended as follows:

118 9-5-41. (1) The Thirteenth Chancery Court District shall be
119 comprised of the following counties:

- 120 (a) Covington County;
- 121 (b) Jefferson Davis County;
- 122 (c) Lawrence County;
- 123 (d) Simpson County; and
- 124 (e) Smith County.

125 (2) There shall be two (2) chancellors for the Thirteenth
126 Chancery Court District. For purposes of appointment and
127 election, the two (2) chancellorships shall be separate and
128 distinct and denominated for purposes of appointment and election
129 only as "Place One" and "Place Two."

130 **SECTION 8.** Section 9-5-54, Mississippi Code of 1972, is
131 amended as follows:

132 9-5-54. (1) There shall be two (2) chancellors for the
133 Eighteenth Chancery Court District.

134 (2) For purposes of appointment and election, the two (2)
135 chancellorships shall be separate and distinct and denominated for
136 purposes of appointment and election only as "Place One" and
137 "Place Two."

138 **SECTION 9.** Section 9-7-7, Mississippi Code of 1972, is
139 amended as follows:

140 9-7-7. (1) There shall be three (3) judges for the First
141 Circuit Court District.

142 (2) For purposes of appointment and election, the three (3)
143 judgeships shall be separate and distinct and denominated for

144 purposes of appointment and election only as "Place One," "Place
145 Two" and "Place Three."

146 **SECTION 10.** Section 9-7-14, Mississippi Code of 1972, is
147 amended as follows:

148 9-7-14. (1) There shall be two (2) circuit judges for the
149 Third Circuit Court District.

150 (2) For purposes of appointment and election, the two (2)
151 judgeships shall be separate and distinct and denominated for
152 purposes of appointment and election only as "Place One" and
153 "Place Two."

154 **SECTION 11.** Section 9-7-20, Mississippi Code of 1972, is
155 amended as follows:

156 9-7-20. (1) There shall be two (2) judges for the Fifth
157 Circuit Court District.

158 (2) For purposes of appointment and election, the two (2)
159 judgeships shall be separate and distinct and denominated for
160 purposes of appointment and election only as "Place One" and
161 "Place Two."

162 **SECTION 12.** Section 9-7-32, Mississippi Code of 1972, is
163 amended as follows:

164 9-7-32. (1) There shall be two (2) judges for the Tenth
165 Circuit Court District.

166 (2) For purposes of appointment and election, the two (2)
167 judgeships shall be separate and distinct and denominated for
168 purposes of appointment and election only as "Place One" and
169 "Place Two."

170 **SECTION 13.** Section 9-7-39, Mississippi Code of 1972, is
171 amended as follows:

172 9-7-39. (1) The Fourteenth Circuit Court District shall be
173 comprised of the following counties:

- 174 (a) Lincoln County;
175 (b) Pike County; and
176 (c) Walthall County.

177 (2) (a) There shall be two (2) judges for the Fourteenth
178 Circuit Court District.

179 (b) For purposes of appointment and election, the two
180 (2) judgeships shall be separate and distinct and denominated for
181 purposes of appointment and election only as "Place One" and
182 "Place Two."

183 **SECTION 14.** Section 9-7-42, Mississippi Code of 1972, is
184 amended as follows:

185 9-7-42. (1) There shall be two (2) judges for the Fifteenth
186 Circuit Court District.

187 (2) For purposes of appointment and election, the two (2)
188 judgeships shall be separate and distinct and denominated for
189 purposes of appointment and election only as "Place One" and
190 "Place Two."

191 **SECTION 15.** Section 9-7-44, Mississippi Code of 1972, is
192 amended as follows:

193 9-7-44. (1) There shall be two (2) judges for the Sixteenth
194 Circuit Court District.

195 (2) For purposes of appointment and election, the two (2)
196 judgeships shall be separate and distinct and denominated for
197 purposes of appointment and election only as "Place One" and
198 "Place Two."

199 **SECTION 16.** Section 9-7-46, Mississippi Code of 1972, is
200 amended as follows:

201 9-7-46. (1) There shall be three (3) circuit judges for the
202 Seventeenth Circuit Court District.

203 (2) For the purpose of appointment and election, the three
204 (3) judgeships shall be separate and distinct, and one (1) judge
205 shall be elected from Subdistrict 17-1 and two (2) judges shall be
206 elected from Subdistrict 17-2. For purposes of appointment and
207 election, the two (2) judgeships in Subdistrict 17-2 shall be
208 separate and distinct and denominated for purposes of appointment
209 and election only as "Place 17-2 One" and "Place 17-2 Two."

210 **SECTION 17.** Section 9-7-54, Mississippi Code of 1972, is
211 amended as follows:

212 9-7-54. (1) There shall be two (2) judges for the Twentieth
213 Circuit Court District.

214 (2) For purposes of appointment and election, the two (2)
215 judgeships shall be separate and distinct and denominated for
216 purposes of appointment and election only as "Place One" and
217 "Place Two."

218 **SECTION 18.** Section 9-1-105, Mississippi Code of 1972, is
219 amended as follows:

220 9-1-105. (1) Whenever any judicial officer is unwilling or
221 unable to hear a case or unable to hold or attend any of the
222 courts at the time and place required by law by reason of the
223 physical disability or sickness of such judicial officer, by
224 reason of the absence of such judicial officer from the state, by
225 reason of the disqualification of such judicial officer pursuant
226 to the provision of Section 165, Mississippi Constitution of 1890,
227 or any provision of the Code of Judicial Conduct, or for any other
228 reason, the Chief Justice of the Mississippi Supreme Court, with
229 the advice and consent of a majority of the justices of the
230 Mississippi Supreme Court, may appoint a person as a special judge
231 to hear the case or attend and hold a court.

232 (2) Upon the request of the Chief Judge of the Court of
233 Appeals or the senior judge of a chancery or circuit court
234 district, the Chief Justice of the Mississippi Supreme Court, with
235 the advice and consent of a majority of the justices of the
236 Mississippi Supreme Court, shall have the authority to appoint a
237 special judge to serve on a temporary basis in a circuit or
238 chancery court in the event of an emergency or overcrowded docket.
239 It shall be the duty of any special judge so appointed to assist
240 the court to which he is assigned in the disposition of causes so
241 pending in such court for whatever period of time is designated by
242 the Chief Justice.

243 (3) When a vacancy exists for any of the reasons enumerated
244 in Section 9-1-103, the vacancy has not been filled within seven
245 (7) days by an appointment by the Governor, and there is a pending
246 cause or are pending causes in the court where the vacancy exists
247 that in the interests of justice and in the orderly dispatch of
248 the court's business require the appointment of a special judge,
249 the Chief Justice of the Supreme Court, with the advice and
250 consent of a majority of the justices of the Mississippi Supreme
251 Court, may appoint a qualified person as a special judge to fill
252 the vacancy until the Governor makes his appointment and such
253 appointee has taken the oath of office.

254 (4) If the Chief Justice pursuant to this section shall make
255 an appointment within the authority vested in the Governor by
256 reason of Section 165, Mississippi Constitution of 1890, the
257 Governor may at his election appoint a person to so serve. In the
258 event that the Governor makes such an appointment, any appointment
259 made by the Chief Justice pursuant to this section shall be void
260 and of no further force or effect from the date of the Governor's
261 appointment.

262 (5) When a judicial officer is unwilling or unable to hear a
263 case or unable or unwilling to hold court for a period of time not
264 to exceed two (2) weeks, the trial judge or judges of the affected
265 district or county and other trial judges may agree among
266 themselves regarding the appointment of a person for such case or
267 such limited period of time. The trial judges shall submit a
268 notice to the Chief Justice of the Supreme Court informing him of
269 their appointment. If the Chief Justice does not appoint another
270 person to serve as special judge within seven (7) days after
271 receipt of such notice, the person designated in such order shall
272 be deemed appointed.

273 (6) A person appointed to serve as a special judge may be
274 any currently sitting or retired chancery, circuit or county court
275 judge, Court of Appeals judge or Supreme Court Justice, or any

276 other person possessing the qualifications of the judicial office
277 for which the appointment is made; provided, however, that a judge
278 or justice who was retired from service at the polls shall not be
279 eligible for appointment as a special judge in the district in
280 which he served prior to his defeat.

281 (7) Except as otherwise provided in subsection (2) of this
282 section, the need for an appointment pursuant to this section may
283 be certified to the Chief Justice of the Mississippi Supreme Court
284 by any attorney in good standing or other officer of the court.

285 (8) The order appointing a person as a special judge
286 pursuant to this section shall describe as specifically as
287 possible the duration of the appointment.

288 (9) A special judge appointed pursuant to this section shall
289 take the oath of office, if necessary, and shall, for the duration
290 of his appointment, enjoy the full power and authority of the
291 office to which he is appointed.

292 (10) Any currently sitting justice or judge appointed as a
293 special judge under this section shall receive no additional
294 compensation for his or her service as special judge. Any other
295 person appointed as a special judge hereunder shall, for the
296 period of his service, receive compensation from the state for
297 each day's service a sum equal to 1/260 of the current salary in
298 effect for the judicial office; provided, however, that no retired
299 chancery, circuit or county court judge, retired Court of Appeals
300 judge or any retired Supreme Court Justice appointed as a special
301 judge pursuant to this section may, during any fiscal year,
302 receive compensation in excess of twenty-five percent (25%) of the
303 current salary in effect for a chancery or circuit court judge.
304 Any person appointed as a special judge shall be reimbursed for
305 travel expenses incurred in the performance of the official duties
306 to which he may be appointed hereunder in the same manner as other
307 public officials and employees as provided by Section 25-3-41,
308 Mississippi Code of 1972.

309 (11) If any person appointed as such special judge is
310 receiving retirement benefits by virtue of the provisions of the
311 Public Employees' Retirement Law of 1952, appearing as Sections
312 25-11-1 through 25-11-139, Mississippi Code of 1972, such benefits
313 shall not be reduced in any sum whatsoever because of such
314 service, nor shall any sum be deducted as contributions toward
315 retirement under said law.

316 (12) The Supreme Court shall have authority to prescribe
317 rules and regulations reasonably necessary to implement and give
318 effect to the provisions of this section.

319 (13) Nothing in this section shall abrogate the right of
320 attorneys engaged in a case to agree upon a member of the bar to
321 preside in a case pursuant to Section 165 of the Mississippi
322 Constitution of 1890.

323 (14) The Supreme Court shall prepare the necessary payroll
324 for special judges appointed pursuant to this section and shall
325 submit such payroll to the Department of Finance and
326 Administration.

327 (15) Special judges appointed pursuant to this section shall
328 direct requests for reimbursement for travel expenses authorized
329 pursuant to this section to the Supreme Court and the Supreme
330 Court shall submit such requests to the Department of Finance and
331 Administration. The Supreme Court shall have the power to adopt
332 rules and regulations regarding the administration of travel
333 expenses authorized pursuant to this section.

334 **SECTION 19.** Sections 23-15-982, 23-15-983 and 23-15-984,
335 Mississippi Code of 1972, which provide for the calculation of the
336 vote in multijudge districts in which candidates run "in the herd"
337 and the number of votes that may be cast by each elector, are
338 repealed.

339 **SECTION 20.** The Attorney General of the State of Mississippi
340 shall submit this act, immediately upon approval by the Governor,
341 or upon approval by the Legislature subsequent to a veto, to the

342 Attorney General of the United States or to the United States
343 District Court for the District of Columbia in accordance with the
344 provisions of the Voting Rights Act of 1965, as amended and
345 extended.

346 **SECTION 21.** This act shall take effect and be in force from
347 and after January 1, 2007, provided it is effectuated under
348 Section 5 of the Voting Rights Act of 1965, as amended and
349 extended; the candidates for any new judgeships or chancellorships
350 created under this act shall be entitled to run for those offices
351 in the November 2006 judicial elections.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2005

By: Senator(s) Ross

To: Judiciary, Division A

SENATE BILL NO. 2339

1 AN ACT TO ENACT REDISTRICTING OF THE CHANCERY AND CIRCUIT
2 COURTS; TO AMEND SECTION 9-5-7, MISSISSIPPI CODE OF 1972, TO ADD A
3 CHANCELLOR AND ELIMINATE RUNNING IN THE HERD IN THE FIRST CHANCERY
4 COURT DISTRICT; TO AMEND SECTION 9-5-13, MISSISSIPPI CODE OF 1972,
5 TO ELIMINATE RUNNING IN THE HERD IN THE THIRD CHANCERY COURT
6 DISTRICT; TO AMEND SECTION 9-5-22, MISSISSIPPI CODE OF 1972, TO
7 ELIMINATE RUNNING IN THE HERD IN THE SIXTH CHANCERY COURT
8 DISTRICT; TO AMEND SECTION 9-5-25, MISSISSIPPI CODE OF 1972, TO
9 ADD A CHANCELLOR TO THE SEVENTH CHANCERY COURT DISTRICT; TO AMEND
10 SECTION 9-5-36, MISSISSIPPI CODE OF 1972, TO ADD A CHANCELLOR TO
11 THE TENTH CHANCERY COURT DISTRICT; TO AMEND SECTION 9-5-40,
12 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
13 TWELFTH CHANCERY COURT DISTRICT; TO AMEND SECTION 9-5-41,
14 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
15 THIRTEENTH CHANCERY COURT DISTRICT AND TO ADD A CHANCELLOR TO THAT
16 DISTRICT; TO AMEND SECTION 9-5-54, MISSISSIPPI CODE OF 1972, TO
17 ELIMINATE RUNNING IN THE HERD IN THE EIGHTEENTH CHANCERY COURT
18 DISTRICT; TO AMEND SECTION 9-7-7, MISSISSIPPI CODE OF 1972, TO
19 ELIMINATE RUNNING IN THE HERD IN THE FIRST CIRCUIT COURT DISTRICT;
20 TO AMEND SECTION 9-7-14, MISSISSIPPI CODE OF 1972, TO ELIMINATE
21 RUNNING IN THE HERD IN THE THIRD CIRCUIT COURT DISTRICT; TO AMEND
22 SECTION 9-7-20, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN
23 THE HERD IN THE FIFTH CIRCUIT COURT DISTRICT; TO AMEND SECTION
24 9-7-32, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD
25 IN THE TENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-39,
26 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
27 FOURTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-42,
28 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
29 FIFTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-44,
30 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
31 SIXTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-46,
32 MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE
33 SEVENTEENTH CIRCUIT COURT DISTRICT, SUBDISTRICT 17-2; TO AMEND
34 SECTION 9-7-54, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN
35 THE HERD IN THE TWENTIETH CIRCUIT COURT DISTRICT; TO AMEND SECTION
36 9-1-105, MISSISSIPPI CODE OF 1972, TO CLARIFY THE AUTHORITY OF THE
37 CHIEF JUSTICE TO ASSIGN A SPECIAL JUDGE TO ASSIST A CHANCERY OR
38 CIRCUIT COURT WITH A BACKLOG OF CASES; TO REPEAL SECTIONS
39 23-15-982, 23-15-983 AND 23-15-984, MISSISSIPPI CODE OF 1972,
40 WHICH PROVIDE FOR THE CALCULATION OF VOTE IN MULTIJUDGE DISTRICTS
41 WHEREIN CANDIDATES RUN "IN THE HERD" AND THE NUMBER OF VOTES THAT
42 MAY BE CAST BY EACH ELECTOR; AND FOR RELATED PURPOSES.

43 WHEREAS, it is the responsibility of the Legislature under
44 Section 152 of the Mississippi Constitution of 1890 to divide the
45 state into an appropriate number of circuit court districts and
46 chancery court districts; and

47 WHEREAS, the Legislature has thoroughly investigated the
48 state of the trial courts and trial court districts and has
49 considered the needs of the state according to all the criteria
50 imposed by the Constitution and by general law; NOW THEREFORE,

51 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

52 **SECTION 1.** Section 9-5-7, Mississippi Code of 1972, is
53 amended as follows:

54 9-5-7. (1) There shall be four (4) chancellors for the
55 First Chancery Court District.

56 (2) For purposes of appointment and election, the four (4)
57 chancellorships shall be separate and distinct and denominated for
58 purposes of appointment and election only as "Place One," "Place
59 Two," "Place Three" and "Place Four."

60 **SECTION 2.** Section 9-5-13, Mississippi Code of 1972, is
61 amended as follows:

62 9-5-13. (1) There shall be three (3) chancellors for the
63 Third Chancery Court District.

64 (2) (a) The chancellor of Subdistrict 3-1 shall be elected
65 from DeSoto County. The two (2) chancellors of Subdistrict 3-2
66 shall be elected from Grenada County, Montgomery County, Panola
67 County, Tate County and Yalobusha County.

68 (b) For purposes of appointment and election, the two
69 (2) chancellorships of Subdistrict 3-2 shall be separate and
70 distinct and denominated for purposes of appointment and election
71 only as "Place 3-2 One" and "Place 3-2 Two."

72 **SECTION 3.** Section 9-5-22, Mississippi Code of 1972, is
73 amended as follows:

74 9-5-22. (1) There shall be two (2) chancellors for the
75 Sixth Chancery Court District.

76 (2) For purposes of appointment and election, the two (2)
77 chancellorships shall be separate and distinct and denominated for
78 purposes of appointment and election only as "Place One" and
79 "Place Two."

80 **SECTION 4.** Section 9-5-25, Mississippi Code of 1972, is
81 amended as follows:

82 9-5-25. (1) There shall be three (3) chancellors for the
83 Seventh Chancery Court District. One (1) chancellor shall be
84 elected from each subdistrict and the third chancellor shall be
85 elected from the Seventh Chancery Court District at large.

86 (2) For purposes of appointment and election, the three (3)
87 chancellorships shall be separate and distinct and denominated for
88 purposes of appointment and election only as "Place One," "Place
89 Two" and "Place Three." "Place One" shall be that chancellor
90 elected from Subdistrict 7-1, "Place Two" shall be that chancellor
91 elected from Subdistrict 7-2, and "Place Three" shall be that
92 chancellor elected from the district at large.

93 **SECTION 5.** Section 9-5-36, Mississippi Code of 1972, is
94 amended as follows:

95 9-5-36. (1) There shall be four (4) chancellors for the
96 Tenth Chancery Court District.

97 (2) For purposes of appointment and election, the four (4)
98 chancellorships shall be separate and distinct and denominated for
99 purposes of appointment and election only as "Place One," "Place
100 Two," "Place Three" and "Place Four." * * * The chancellor to
101 fill Place One shall be a resident of Forrest, Lamar, Marion,
102 Pearl River or Perry County. The chancellor to fill Place Two
103 shall be a resident of Lamar, Marion, Pearl River or Perry County.
104 The chancellor to fill Place Three shall be a resident of Forrest
105 County. The chancellor to fill Place Four shall be a resident of
106 any county in the Tenth Chancery Court District. Election of the
107 four (4) offices of chancellor shall be by election to be held in
108 every county within the Tenth Chancery Court District of
109 Mississippi.

110 **SECTION 6.** Section 9-5-40, Mississippi Code of 1972, is
111 amended as follows:

112 9-5-40. (1) There shall be two (2) judges for the Twelfth
113 Chancery Court District.

114 (2) For purposes of appointment and election, the two (2)
115 chancellorships shall be separate and distinct and denominated for
116 purposes of appointment and election only as "Place One" and
117 "Place Two."

118 **SECTION 7.** Section 9-5-41, Mississippi Code of 1972, is
119 amended as follows:

120 9-5-41. (1) The Thirteenth Chancery Court District shall be
121 comprised of the following counties:

- 122 (a) Covington County;
- 123 (b) Jefferson Davis County;
- 124 (c) Lawrence County;
- 125 (d) Simpson County; and
- 126 (e) Smith County.

127 (2) There shall be two (2) chancellors for the Thirteenth
128 Chancery Court District. For purposes of appointment and
129 election, the two (2) chancellorships shall be separate and
130 distinct and denominated for purposes of appointment and election
131 only as "Place One" and "Place Two."

132 **SECTION 8.** Section 9-5-54, Mississippi Code of 1972, is
133 amended as follows:

134 9-5-54. (1) There shall be two (2) chancellors for the
135 Eighteenth Chancery Court District.

136 (2) For purposes of appointment and election, the two (2)
137 chancellorships shall be separate and distinct and denominated for
138 purposes of appointment and election only as "Place One" and
139 "Place Two."

140 **SECTION 9.** Section 9-7-7, Mississippi Code of 1972, is
141 amended as follows:

142 9-7-7. (1) There shall be three (3) judges for the First
143 Circuit Court District.

144 (2) For purposes of appointment and election, the three (3)
145 judgeships shall be separate and distinct and denominated for
146 purposes of appointment and election only as "Place One," "Place
147 Two" and "Place Three."

148 **SECTION 10.** Section 9-7-14, Mississippi Code of 1972, is
149 amended as follows:

150 9-7-14. (1) There shall be two (2) circuit judges for the
151 Third Circuit Court District.

152 (2) For purposes of appointment and election, the two (2)
153 judgeships shall be separate and distinct and denominated for
154 purposes of appointment and election only as "Place One," "Place
155 Two" and "Place Three."

156 **SECTION 11.** Section 9-7-20, Mississippi Code of 1972, is
157 amended as follows:

158 9-7-20. (1) There shall be two (2) judges for the Fifth
159 Circuit Court District.

160 (2) For purposes of appointment and election, the two (2)
161 judgeships shall be separate and distinct and denominated for
162 purposes of appointment and election only as "Place One" and
163 "Place Two."

164 **SECTION 12.** Section 9-7-32, Mississippi Code of 1972, is
165 amended as follows:

166 9-7-32. (1) There shall be two (2) judges for the Tenth
167 Circuit Court District.

168 (2) For purposes of appointment and election, the two (2)
169 judgeships shall be separate and distinct and denominated for
170 purposes of appointment and election only as "Place One" and
171 "Place Two."

172 **SECTION 13.** Section 9-7-39, Mississippi Code of 1972, is
173 amended as follows:

174 9-7-39. (1) The Fourteenth Circuit Court District shall be
175 comprised of the following counties:

176 (a) Lincoln County;

177 (b) Pike County; and

178 (c) Walthall County.

179 (2) (a) There shall be two (2) judges for the Fourteenth
180 Circuit Court District.

181 (b) For purposes of appointment and election, the two
182 (2) judgeships shall be separate and distinct and denominated for
183 purposes of appointment and election only as "Place One" and
184 "Place Two."

185 **SECTION 14.** Section 9-7-42, Mississippi Code of 1972, is
186 amended as follows:

187 9-7-42. (1) There shall be two (2) judges for the Fifteenth
188 Circuit Court District.

189 (2) For purposes of appointment and election, the two (2)
190 judgeships shall be separate and distinct and denominated for
191 purposes of appointment and election only as "Place One" and
192 "Place Two."

193 **SECTION 15.** Section 9-7-44, Mississippi Code of 1972, is
194 amended as follows:

195 9-7-44. (1) There shall be two (2) judges for the Sixteenth
196 Circuit Court District.

197 (2) For purposes of appointment and election, the two (2)
198 judgeships shall be separate and distinct and denominated for
199 purposes of appointment and election only as "Place One" and
200 "Place Two."

201 **SECTION 16.** Section 9-7-46, Mississippi Code of 1972, is
202 amended as follows:

203 9-7-46. (1) There shall be three (3) circuit judges for the
204 Seventeenth Circuit Court District.

205 (2) For the purpose of appointment and election, the three
206 (3) judgeships shall be separate and distinct, and one (1) judge
207 shall be elected from Subdistrict 17-1 and two (2) judges shall be
208 elected from Subdistrict 17-2. For purposes of appointment and
209 election, the two (2) judgeships in Subdistrict 17-2 shall be

210 separate and distinct and denominated for purposes of appointment
211 and election only as "Place 17-2 One" and "Place 17-2 Two."

212 **SECTION 17.** Section 9-7-54, Mississippi Code of 1972, is
213 amended as follows:

214 9-7-54. (1) There shall be two (2) judges for the Twentieth
215 Circuit Court District.

216 (2) For purposes of appointment and election, the two (2)
217 judgeships shall be separate and distinct and denominated for
218 purposes of appointment and election only as "Place One" and
219 "Place Two."

220 **SECTION 18.** Section 9-1-105, Mississippi Code of 1972, is
221 amended as follows:

222 9-1-105. (1) Whenever any judicial officer is unwilling or
223 unable to hear a case or unable to hold or attend any of the
224 courts at the time and place required by law by reason of the
225 physical disability or sickness of such judicial officer, by
226 reason of the absence of such judicial officer from the state, by
227 reason of the disqualification of such judicial officer pursuant
228 to the provision of Section 165, Mississippi Constitution of 1890,
229 or any provision of the Code of Judicial Conduct, or for any other
230 reason, the Chief Justice of the Mississippi Supreme Court, with
231 the advice and consent of a majority of the justices of the
232 Mississippi Supreme Court, may appoint a person as a special judge
233 to hear the case or attend and hold a court.

234 (2) Upon the request of the Chief Judge of the Court of
235 Appeals or the senior judge of a chancery or circuit court
236 district, the Chief Justice of the Mississippi Supreme Court, with
237 the advice and consent of a majority of the justices of the
238 Mississippi Supreme Court, shall have the authority to appoint a
239 special judge to serve on a temporary basis in a circuit or
240 chancery court in the event of an emergency or overcrowded docket.
241 It shall be the duty of any special judge so appointed to assist
242 the court to which he is assigned in the disposition of causes so

243 pending in such court for whatever period of time is designated by
244 the Chief Justice.

245 (3) When a vacancy exists for any of the reasons enumerated
246 in Section 9-1-103, the vacancy has not been filled within seven
247 (7) days by an appointment by the Governor, and there is a pending
248 cause or are pending causes in the court where the vacancy exists
249 that in the interests of justice and in the orderly dispatch of
250 the court's business require the appointment of a special judge,
251 the Chief Justice of the Supreme Court, with the advice and
252 consent of a majority of the justices of the Mississippi Supreme
253 Court, may appoint a qualified person as a special judge to fill
254 the vacancy until the Governor makes his appointment and such
255 appointee has taken the oath of office.

256 (4) If the Chief Justice pursuant to this section shall make
257 an appointment within the authority vested in the Governor by
258 reason of Section 165, Mississippi Constitution of 1890, the
259 Governor may at his election appoint a person to so serve. In the
260 event that the Governor makes such an appointment, any appointment
261 made by the Chief Justice pursuant to this section shall be void
262 and of no further force or effect from the date of the Governor's
263 appointment.

264 (5) When a judicial officer is unwilling or unable to hear a
265 case or unable or unwilling to hold court for a period of time not
266 to exceed two (2) weeks, the trial judge or judges of the affected
267 district or county and other trial judges may agree among
268 themselves regarding the appointment of a person for such case or
269 such limited period of time. The trial judges shall submit a
270 notice to the Chief Justice of the Supreme Court informing him of
271 their appointment. If the Chief Justice does not appoint another
272 person to serve as special judge within seven (7) days after
273 receipt of such notice, the person designated in such order shall
274 be deemed appointed.

275 (6) A person appointed to serve as a special judge may be
276 any currently sitting or retired chancery, circuit or county court
277 judge, Court of Appeals judge or Supreme Court Justice, or any
278 other person possessing the qualifications of the judicial office
279 for which the appointment is made; provided, however, that a judge
280 or justice who was retired from service at the polls shall not be
281 eligible for appointment as a special judge in the district in
282 which he served prior to his defeat.

283 (7) Except as otherwise provided in subsection (2) of this
284 section, the need for an appointment pursuant to this section may
285 be certified to the Chief Justice of the Mississippi Supreme Court
286 by any attorney in good standing or other officer of the court.

287 (8) The order appointing a person as a special judge
288 pursuant to this section shall describe as specifically as
289 possible the duration of the appointment.

290 (9) A special judge appointed pursuant to this section shall
291 take the oath of office, if necessary, and shall, for the duration
292 of his appointment, enjoy the full power and authority of the
293 office to which he is appointed.

294 (10) Any currently sitting justice or judge appointed as a
295 special judge under this section shall receive no additional
296 compensation for his or her service as special judge. Any other
297 person appointed as a special judge hereunder shall, for the
298 period of his service, receive compensation from the state for
299 each day's service a sum equal to 1/260 of the current salary in
300 effect for the judicial office; provided, however, that no retired
301 chancery, circuit or county court judge, retired Court of Appeals
302 judge or any retired Supreme Court Justice appointed as a special
303 judge pursuant to this section may, during any fiscal year,
304 receive compensation in excess of twenty-five percent (25%) of the
305 current salary in effect for a chancery or circuit court judge.
306 Any person appointed as a special judge shall be reimbursed for
307 travel expenses incurred in the performance of the official duties

308 to which he may be appointed hereunder in the same manner as other
309 public officials and employees as provided by Section 25-3-41,
310 Mississippi Code of 1972.

311 (11) If any person appointed as such special judge is
312 receiving retirement benefits by virtue of the provisions of the
313 Public Employees' Retirement Law of 1952, appearing as Sections
314 25-11-1 through 25-11-139, Mississippi Code of 1972, such benefits
315 shall not be reduced in any sum whatsoever because of such
316 service, nor shall any sum be deducted as contributions toward
317 retirement under said law.

318 (12) The Supreme Court shall have authority to prescribe
319 rules and regulations reasonably necessary to implement and give
320 effect to the provisions of this section.

321 (13) Nothing in this section shall abrogate the right of
322 attorneys engaged in a case to agree upon a member of the bar to
323 preside in a case pursuant to Section 165 of the Mississippi
324 Constitution of 1890.

325 (14) The Supreme Court shall prepare the necessary payroll
326 for special judges appointed pursuant to this section and shall
327 submit such payroll to the Department of Finance and
328 Administration.

329 (15) Special judges appointed pursuant to this section shall
330 direct requests for reimbursement for travel expenses authorized
331 pursuant to this section to the Supreme Court and the Supreme
332 Court shall submit such requests to the Department of Finance and
333 Administration. The Supreme Court shall have the power to adopt
334 rules and regulations regarding the administration of travel
335 expenses authorized pursuant to this section.

336 **SECTION 19.** Sections 23-15-982, 23-15-983 and 23-15-984,
337 Mississippi Code of 1972, which provide for the calculation of the
338 vote in multijudge districts in which candidates run "in the herd"
339 and the number of votes that may be cast by each elector, are
340 repealed.

341 **SECTION 20.** The Attorney General of the State of Mississippi
342 shall submit this act, immediately upon approval by the Governor,
343 or upon approval by the Legislature subsequent to a veto, to the
344 Attorney General of the United States or to the United States
345 District Court for the District of Columbia in accordance with the
346 provisions of the Voting Rights Act of 1965, as amended and
347 extended.

348 **SECTION 21.** This act shall take effect and be in force from
349 and after January 1, 2007, provided it is effectuated under
350 Section 5 of the Voting Rights Act of 1965, as amended and
351 extended; the candidates for any new judgeships or chancellorships
352 created under this act shall be entitled to run for those offices
353 in the November 2006 judicial elections.

**Amends by Reference
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2339

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

23 **SECTION 1.** Section 9-5-1, Mississippi Code of 1972, is
24 amended as follows:

25 9-5-1. A chancellor shall be elected for and from each of
26 the chancery court districts as provided in this chapter and the
27 listing of individual precincts shall be those precincts as they
28 existed on October 1, 2000. He shall hold court in any other
29 district with the consent of the chancellor thereof when in their
30 opinion the public interest may be thereby promoted. The terms of
31 all chancellors elected at the regular election for the year 1930
32 shall begin on the first day of January, 1931, and their terms of
33 office shall continue for four (4) years. A chancellor shall be a
34 resident of the district in which he serves but shall not be
35 required to be a resident of a subdistrict if the district is
36 divided into subdistricts.

37 **SECTION 2.** Section 9-5-7, Mississippi Code of 1972, is
38 amended as follows:

39 9-5-7. (1) There shall be four (4) chancellors for the
40 First Chancery Court District.

41 (2) For purposes of appointment and election, the four (4)
 42 chancellorships shall be separate and distinct and denominated for
 43 purposes of appointment and election only as "Place One," "Place
 44 Two," "Place Three" and "Place Four." The chancellor to fill
 45 Place One shall be a resident of Alcorn, Prentiss or Tishomingo
 46 County. The chancellor to fill Place Two shall be a resident of
 47 Itawamba, Lee, Monroe, Pontotoc or Union County. The chancellors
 48 to fill Place Three and Place Four shall be residents of Alcorn,
 49 Itawamba, Lee, Monroe, Pontotoc, Prentiss, Tishomingo or Union
 50 Counties. Election of the four (4) offices of chancellor shall be
 51 by election to be held in every county within the First Chancery
 52 Court District of Mississippi.

53 **SECTION 3.** Section 9-5-11, Mississippi Code of 1972, is
 54 amended as follows:

55 9-5-11. (1) The Third Chancery Court District shall be
 56 comprised of the following counties:

- 57 (a) DeSoto County;
- 58 (b) Grenada County;
- 59 (c) Montgomery County;
- 60 (d) Panola County;
- 61 (e) Tate County; and
- 62 (f) Yalobusha County.

63 (2) The Third Chancery Court District shall be divided into
 64 two (2) subdistricts as follows:

- 65 (a) Subdistrict 3-1 shall be comprised of Desoto County
 66 and no chancellor shall be elected from said subdistrict; and
- 67 (b) Subdistrict 3-2 which shall be comprised of
 68 Grenada * * *, Montgomery * * *, Panola * * *, Tate * * * and
 69 Yalobusha * * * Counties from which subdistrict two (2) chancery
 70 judges shall be elected by post designation with no post being
 71 denominated for purposes of appointment and election only as

72 "Place One" and one (1) post being denominated for purposes of
73 appointment and election only as "Place Two."

74 **SECTION 4.** Section 9-5-13, Mississippi Code of 1972, is
75 amended as follows:

76 9-5-13. * * * There shall be three (3) chancellors for the
77 Third Chancery Court District.

78 * * *

79 **SECTION 5.** Section 9-5-17, Mississippi Code of 1972, is
80 amended as follows:

81 9-5-17. (1) The Fifth Chancery Court District shall be
82 comprised of Hinds County.

83 (2) The Fifth Chancery Court District shall be divided into
84 the following four (4) subdistricts:

85 (a) Subdistrict 5-1 shall consist of the following
86 precincts in Hinds County: Precincts 33, 34, 35, 36, 44, 45, 46,
87 78, 79, 72, 73, 74, 75, 76, 77, 92, 93, 96, 1, 2, 4, 5, 6, 8, 9,
88 10, 32, 47 and 97.

89 (b) Subdistrict 5-2 shall consist of the following
90 precincts in Hinds County: Precincts 37, 38, 39, 40, 41, 42, 43,
91 80, 81, 82, 83, 84, 11, 12, 13, 14, 15, 16, 17, * * * 27, * * *
92 29, 30 and 85, Brownsville, Cynthia, Pocahontas and Tinnin
93 Precincts.

94 (c) Subdistrict 5-3 shall consist of the following
95 precincts in Hinds County: Precincts 21, 22, 23, 25, 28, 31, 86,
96 58, 59, 66, 67, 68, 69, 70, 71, 89, 24, 26, 54, 55, 56, 57, 60,
97 61, 62, 18, 19, 20, 50, 51, 52, 53, 63 and 64 and Jackson State
98 Precinct.

99 (d) Subdistrict 5-4 shall consist of the following
100 precincts in Hinds County: Precincts 94, 95, 87, 88, 90 and 91,
101 Bolton, Edwards, Pine Haven, Utica 1, Utica 2, Byram 1, Byram 2,
102 Cayuga, Learned, Clinton 1, Clinton 2, Clinton 3, Clinton 4,

103 Clinton 5, Clinton 6, Raymond 1, Raymond 2, Spring Ridge, St.
104 Thomas, Old Byram, Terry, Chapel Hill and Dry Grove Precincts.

105 **SECTION 6.** Section 9-5-22, Mississippi Code of 1972, is
106 amended as follows:

107 9-5-22. (1) There shall be two (2) chancellors for the
108 Sixth Chancery Court District.

109 (2) For purposes of appointment and election, the two (2)
110 chancellorships shall be separate and distinct and denominated for
111 purposes of appointment and election only as "Place One" and
112 "Place Two."

113 **SECTION 7.** Section 9-5-25, Mississippi Code of 1972, is
114 amended as follows:

115 9-5-25. There shall be three (3) chancellors for the Seventh
116 Chancery Court District. One (1) chancellor shall be elected from
117 Subdistrict 7-1 and two (2) chancellors shall be elected from
118 Subdistrict 7-2. For purposes of appointment and election, the
119 two (2) chancellorships for Subdistrict 7-2 shall be separate and
120 distinct and denominated for purposes of appointment and election
121 only as "Place One" and "Place Two."

122 **SECTION 8.** Section 9-5-31, Mississippi Code of 1972, is
123 amended as follows:

124 9-5-31. (1) The Ninth Chancery Court District shall be
125 comprised of the following counties:

- 126 (a) Humphreys County;
- 127 (b) Issaquena County;
- 128 (c) Sharkey County;
- 129 (d) Sunflower County;
- 130 (e) Warren County; and
- 131 (f) Washington County.

132 (2) The Ninth Chancery Court District shall be divided into
133 three (3) subdistricts as follows:

134 (a) Subdistrict 9-1 shall consist of the following
135 precincts in the following counties:

136 (i) Sunflower County: Indianola 3 North,
137 Indianola 3 South, Ruleville, Boyer-Linn, Fairview-Hale, Rome,
138 Sunflower Plantation, Drew and Ruleville North Precincts; and

139 (ii) Washington County: Buster Brown Community
140 Center, Extension Building, Faith Lutheran Church, Brent Center,
141 William Percy Library, American Legion, Metcalf City Hall, Elks
142 Club, Leland Health Department Clinic, Leland Light and Water
143 Plant and Greenville Industrial College Precincts.

144 (b) Subdistrict 9-2 shall consist of Humphreys County
145 and the following precincts in the following counties:

146 (i) Sunflower County: Inverness, Indianola 1,
147 Moorhead, Indianola 2 West, Indianola 2 East, Sunflower, Indianola
148 3 Northeast, Doddsville and Sunflower 4 Precincts; and

149 (ii) Washington County: St. James Episcopal
150 Church, Swiftwater Baptist Church, Glen Allan Health Clinic,
151 Italian Club, Ward's Recreation Center, Avon Health Center, Arcola
152 City Hall, Kapco Co., Hollandale City Hall, Darlove Baptist
153 Church, Mangelardi Bourbon Store and Grace Methodist Church
154 Precincts.

155 (c) Subdistrict 9-3 shall consist of Issaquena County,
156 Sharkey County and Warren County.

157 **SECTION 9.** Section 9-5-36, Mississippi Code of 1972, is
158 amended as follows:

159 9-5-36. (1) There shall be four (4) chancellors for the
160 Tenth Chancery Court District.

161 (2) For purposes of appointment and election, the four (4)
162 chancellorships shall be separate and distinct and denominated for
163 purposes of appointment and election only as "Place One," "Place
164 Two," * * * "Place Three" and "Place Four," respectively. The
165 chancellor to fill Place One shall be a resident of Forrest,

166 Lamar, Marion, Pearl River or Perry County. The chancellor to
 167 fill Place Two shall be a resident of Lamar, Marion, Pearl River
 168 or Perry County. The chancellor to fill Place Three shall be a
 169 resident of Forrest County. The chancellor to fill Place Three
 170 shall be a resident of Forrest, Lamar, Marion, Pearl River or
 171 Perry County. Election of the four (4) offices of chancellor
 172 shall be by election to be held in every county within the Tenth
 173 Chancery Court District of Mississippi.

174 **SECTION 10.** Section 9-5-37, Mississippi Code of 1972, is
 175 amended as follows:

176 9-5-37. (1) The Eleventh Chancery Court District shall be
 177 comprised of the following counties:

- 178 (a) Holmes County;
- 179 (b) Leake County;
- 180 (c) Madison County; and
- 181 (d) Yazoo County.

182 (2) The Eleventh Chancery Court District shall be divided
 183 into two (2) subdistricts as follows:

- 184 (a) Subdistrict 11-1 shall consist of Holmes County,
 185 Yazoo County and Canton Precinct 4, Canton Precinct 5, Smith
 186 School, Magnolia Heights, Flora and Bible Church Precincts of
 187 Madison County;
- 188 (b) Subdistrict 11-2 shall consist of Leake County and
 189 Ratliff Ferry, Madisonville, Trace Harbor, Canton Precinct 1,
 190 Canton Precinct 2, Canton Precinct 3, Canton Precinct 7, Cameron
 191 Street, Main Harbor, Victory Baptist Church, Bear Creek, Madison
 192 1, Madison 2, Madison 3, Ridgeland 1, Ridgeland 3, Ridgeland 4,
 193 Ridgeland First Methodist Church, Gluckstadt, Lorman/Cavalier,
 194 Tougaloo, Cobblestone Church of God, Highland Colony Baptist
 195 Church, Whisper Lake, Virililia, Liberty, New Industrial Park,
 196 Madison County Baptist Family Life Center, Cameron, Couparle,

197 Camden, Sharon and Luther Branson School Precincts of Madison
198 County.

199 **SECTION 11.** Section 9-5-40, Mississippi Code of 1972, is
200 amended as follows:

201 9-5-40. (1) There shall be two (2) judges for the Twelfth
202 Chancery Court District.

203 (2) For purposes of appointment and election, the two (2)
204 chancellorships shall be separate and distinct and denominated for
205 purposes of appointment and election only as "Place One" and
206 "Place Two."

207 **SECTION 12.** The following shall be codified as Section
208 9-5-42, Mississippi Code of 1972:

209 9-5-42. (1) There shall be two (2) chancellors for the
210 Thirteenth Chancery Court District.

211 (2) For purposes of appointment and election, the two (2)
212 chancellorships shall be separate and distinct and denominated for
213 purposes of appointment and election only as "Place One" and
214 "Place Two."

215 **SECTION 13.** Section 9-5-43, Mississippi Code of 1972, is
216 amended as follows:

217 9-5-43. (1) The Fourteenth Chancery Court District shall be
218 comprised of the following counties:

- 219 (a) Chickasaw County;
- 220 (b) Clay County;
- 221 (c) Lowndes County;
- 222 (d) Noxubee County;
- 223 (e) Oktibbeha County; and
- 224 (f) Webster County.

225 (2) The Fourteenth Chancery Court District shall be divided
226 into three (3) subdistricts as follows:

227 (a) Subdistrict 14-1 shall consist of Chickasaw County,
228 Webster County and the following precincts in Oktibbeha County:

229 West Starkville, Adaton, North Longview, Self Creek, Double
230 Springs, Northeast Starkville, East Starkville, North Starkville,
231 Maben, South Starkville, South Longview, Craig Springs, Bradley,
232 Center Grove and Sturgis Precincts.

233 (b) Subdistrict 14-2 shall consist of the following
234 precincts in the following counties:

235 (i) Clay County: Vinton, East West Point, Siloam,
236 Central West Point, South West Point and Cedar Bluff Precincts;
237 and

238 (ii) Lowndes County: Caledonia, Steens A, Steens
239 B, Caldwell, Stokes Beard B, Fairview, Sale, Rural Hill B, Lee
240 High, Brandon A, Brandon B, Franklin A, Franklin B, Air Base A,
241 Air Base B, Air Base C, Air Base D, Steens C, Rural Hill A, New
242 Hope A, Mitchell, New Hope B, Union Academy A and University A
243 Precincts.

244 (c) Subdistrict 14-3 shall consist of Noxubee County
245 and the following precincts in the following counties:

246 (i) Clay County: North West Point, Union Star,
247 Tibbee, Cairo, Caradine, Una, West Point, Pheba and Pine Bluff
248 Precincts;

249 (ii) Lowndes County: Co-op A, Co-op B, Trinity,
250 Coleman, Stokes Beard A, Fairgrounds A, Fairgrounds B, Fairgrounds
251 C, Coleman, Plum Grove A, Crawford A, Hunt C, Hunt B, Hunt A,
252 Union Academy B, University B, West Lowndes, Artesia, Mayhew,
253 Crawford B, Crawford C, New Hope C, Plum Grove B and Plum Grove C
254 Precincts; and

255 (iii) Oktibbeha County: Osborn, Hickory Grove,
256 Bell Schoolhouse, Central Starkville, Gillespie Street Center,
257 Sessums and Oktoc Precincts.

258 **SECTION 14.** Section 9-5-51, Mississippi Code of 1972, is
259 amended as follows:

260 9-5-51. (1) The Seventeenth Chancery Court District shall
261 be comprised of the following counties:

- 262 (a) Adams County;
- 263 (b) Claiborne County;
- 264 (c) Jefferson County; and
- 265 (d) Wilkinson County.

266 (2) The Seventeenth Chancery Court District shall be divided
267 into two (2) subdistricts as follows:

268 (a) Subdistrict 17-1 shall consist of Claiborne County,
269 Jefferson County, and the following precincts in Adams
270 County: * * * Palestine, Northside School, Thompson, Pine Ridge,
271 Airport * * * and Washington Precincts.

272 (b) Subdistrict 17-2 shall consist of Wilkinson County
273 and the following precincts in Adams County: Courthouse, By-Pass
274 Fire Station, Cloverdale, Bellemont, Carpenter * * *, Duncan Park,
275 Beau Pre, Kingston, Concord, Convention Center, Maryland Heights,
276 Liberty Park, Morgantown, Foster Mound and Oakland Precincts.

277 (3) There shall be two (2) chancellors for the Seventeenth
278 Chancery Court District. One (1) chancellor shall be elected from
279 each subdistrict.

280 **SECTION 15.** Section 9-5-54, Mississippi Code of 1972, is
281 amended as follows:

282 9-5-54. (1) There shall be two (2) chancellors for the
283 Eighteenth Chancery Court District.

284 (2) For the purposes of appointment and election, the two
285 (2) chancellorships shall be separate and distinct and denominated
286 for purposes of appointment and election only as "Place One" and
287 "Place Two."

288 **SECTION 16.** Section 9-5-58, Mississippi Code of 1972, is
289 amended as follows:

290 9-5-58. There shall be three (3) chancellors for the
291 Twentieth Chancery Court District. For purposes of appointment

292 and election the three (3) chancellorships shall be separate and
293 distinct and denominated for purposes of appointment and election
294 only as "Place One," * * * "Place Two" and "Place Three."

295 **SECTION 17.** Section 9-7-1, Mississippi Code of 1972, is
296 amended as follows:

297 9-7-1. A circuit judge shall be elected for and from each
298 circuit court district and the listing of individual precincts
299 shall be those precincts as they existed on October 1, 2000. He
300 may hold court in any other district with the consent of the judge
301 thereof, when in their opinion the public interest may require.
302 The terms of all circuit judges hereafter elected shall begin on
303 the first day of January 1931, and their terms of office shall
304 continue for four (4) years. A circuit judge shall be a resident
305 of the district in which he or she serves but shall not be
306 required to be a resident of a subdistrict if the district is
307 divided into subdistricts.

308 **SECTION 18.** Section 9-7-7, Mississippi Code of 1972, is
309 amended as follows:

310 9-7-7. (1) There shall be four (4) judges for the First
311 Circuit Court District.

312 (2) For purposes of appointment and election, the four (4)
313 judgeships shall be separate and distinct and denominated for
314 purposes of appointment and election only as "Place One," "Place
315 Two," "Place Three" and "Place Four." The judge to fill Place One
316 shall be a resident of Alcorn, Prentiss or Tishomingo County. The
317 judge to fill Place Two shall be a resident of Itawamba, Lee,
318 Monroe or Pontotoc County. The judges to fill Place Three and
319 Place Four shall be residents of Alcorn, Itawamba, Lee, Monroe,
320 Pontotoc, Prentiss or Tishomingo Counties. Election of the four
321 (4) offices of judge shall be by election to be held in every
322 county within the First Circuit Court District of Mississippi.

323 **SECTION 19.** Section 9-7-14, Mississippi Code of 1972, is
324 amended as follows:

325 9-7-14. (1) There shall be three (3) circuit judges for the
326 Third Circuit Court District.

327 (2) For purposes of appointment and election, the three (3)
328 judgeships shall be separate and distinct and denominated for
329 purposes of appointment and election only as "Place One, "Place
330 Two" and "Place Three." The judge for "Place Three" shall be a
331 resident of Benton, Marshall or Tippah County.

332 **SECTION 20.** Section 9-7-15, Mississippi Code of 1972, is
333 amended as follows:

334 9-7-15. (1) The Fourth Circuit Court District shall be
335 composed of the following counties:

- 336 (a) Leflore County;
337 (b) Sunflower County; and
338 (c) Washington County.

339 (2) The Fourth Circuit Court District shall be divided into
340 four (4) subdistricts as follows:

341 (a) Subdistrict 4-1 shall consist of the following
342 precincts in the following counties:

343 (i) Leflore County: Minter City, North Greenwood,
344 Money, Northeast Greenwood, Schlater, West Greenwood, Mississippi
345 Valley State University and Southeast Greenwood Precincts; and

346 (ii) Sunflower County: Ruleville, Rome, Sunflower
347 Plantation, Drew, Doddsville, Boyer-Linn, Fairview-Hale and
348 Ruleville North Precincts.

349 (b) Subdistrict 4-2 shall consist of the following
350 precincts in the following counties:

351 (i) Sunflower County: Indianola 1, Sunflower,
352 Indianola 3 North, Indianola 3 South, Indianola 3 Northeast and
353 Sunflower 4 Precincts; and

354 (ii) Washington County: Extension Building, Faith
355 Lutheran Church, American Legion, Metcalfe City Hall, Elks Club,
356 Leland Health Department Clinic, Leland Light and Water Plant and
357 Greenville Industrial College Precincts.

358 (c) Subdistrict 4-3 shall consist of the following
359 precincts in the following counties:

360 (i) Leflore County: East Greenwood Sub-A, East
361 Greenwood Sub-B, Central Greenwood, North Itta Bena, South Itta
362 Bena, Southwest Greenwood, Rising Sun, Sidon, Morgan City,
363 Swiftown and South Greenwood Precincts;

364 (ii) Sunflower County: Moorhead, Inverness,
365 Indianola 2 West and Indianola 2 East Precincts; and

366 (iii) Washington County: Arcola City Hall,
367 Hollandale City Hall, Darlove Baptist Church and Mangelardi
368 Bourbon Store Precincts.

369 (d) Subdistrict 4-4 shall consist of the following
370 precincts in Washington County: St. James Episcopal Church,
371 Swiftwater Baptist Church, Glen Allan Health Clinic, Italian Club,
372 Ward's Recreation Center, Buster Brown Community Center, Avon
373 Health Center, Kapco Company, Brent Center, William Percy Library
374 and Grace Methodist Church Precincts.

375 (3) The local contributions required for the maintenance of
376 the Fourth Circuit Court District shall be paid on a pro rata
377 basis each by Leflore, Sunflower and Washington Counties.

378 **SECTION 21.** Section 9-7-20, Mississippi Code of 1972, is
379 amended as follows:

380 9-7-20. (1) There shall be two (2) judges for the Fifth
381 Circuit Court District.

382 (2) For purposes of appointment and election, the two (2)
383 judgeships shall be separate and distinct and denominated for
384 purposes of appointment and election only as "Place One" and
385 "Place Two."

386 **SECTION 22.** Section 9-7-21, Mississippi Code of 1972, is
387 amended as follows:

388 9-7-21. (1) The Sixth Circuit Court District shall be
389 comprised of the following counties:

- 390 (a) Adams County;
- 391 (b) Amite County;
- 392 (c) Franklin County; and
- 393 (d) Wilkinson County.

394 (2) The Sixth Circuit Court District shall be divided into
395 two (2) subdistricts as follows:

396 (a) Subdistrict 6-1 shall consist of Wilkinson County
397 and the following precincts in the following counties:

398 (i) Adams County: Courthouse, By-Pass Fire
399 Station, Cloverdale, Carpenter * * *, Concord, Maryland Heights,
400 Northside School, Thompson, Pine Ridge and Airport * * *
401 Precincts; and

402 (ii) Amite County: Gloster, Ariel, Homochitto,
403 Crosby, East Centreville, Street and Berwick Precincts.

404 (b) Subdistrict 6-2 shall consist of Franklin County,
405 and the following precincts in the following counties:

406 (i) Amite County: East Gloster, Liberty, New
407 Zion, Zion Hill, Amite River, Oneil, East Fork, East Liberty,
408 Smithdale, Tangipahoa, Riceville, South Liberty, Tickfaw and Walls
409 Precincts.

410 (ii) Adams County: Bellemont, Duncan Park, Beau
411 Pre, Kingston, Convention Center, Liberty Park, Palestine,
412 Morgantown, Foster Mound, Oakland and Washington Precincts.

413 (3) There shall be two (2) circuit judges for the Sixth
414 Circuit Court District. One (1) judge shall be elected from each
415 subdistrict.

416 **SECTION 23.** Section 9-7-23, Mississippi Code of 1972, is
417 amended as follows:

418 9-7-23. (1) The Seventh Circuit Court District shall be
419 comprised of Hinds County.

420 (2) The Seventh Circuit Court District shall be divided into
421 five (5) subdistricts in Hinds County as follows:

422 (a) Subdistrict 7-1 shall consist of the following
423 precincts in Hinds County: Precincts 33, 34, 35, 36, 37, 38, 42,
424 43, 44, 45, 46, 78, * * * 72, * * * 76, 77, * * * 93, 96, 1, 2, 4,
425 5, 6, 8, 9, * * * 32, 47 and 97.

426 (b) Subdistrict 7-2 shall consist of the following
427 precincts in Hinds County: Precincts * * * 39, 40, 41, 79, 80,
428 81, 82, 83, 84, 11, 12, 13, 14, 15, 16, 17, 23, 27, 28, 29, 30 and
429 85, Brownsville, Cynthia, Pocahontas and Tinnin Precincts.

430 (c) Subdistrict 7-3 shall consist of the following
431 precincts in Hinds County: Precincts 10, 22, * * * 31, * * * 58,
432 59, 66, 67, 68, 69, 70, 71, 89, * * * 26, 54, 55, 56, 57, * * *
433 18, 19, 20, 50, 51, 52, 53, 63, 64 and 89 and Jackson State
434 Precinct.

435 (d) Subdistrict 7-4 shall consist of the following
436 precincts in Hinds County: * * * Bolton, Edwards, Pine Haven,
437 Utica 1, Utica 2, Byram 1, Byram 2, Cayuga, Learned, Clinton 1,
438 Clinton 2, Clinton 3, Clinton 4, Clinton 5, Clinton 6, Raymond
439 1, * * * St. Thomas, Old Byram, Terry, Chapel Hill and Dry Grove
440 Precincts.

441 (e) Subdistrict 7-5 shall consist of the following
442 precincts in Hinds County: Precincts 21, 24, 25, 26, 60, 61, 62,
443 73, 74, 75, 86, 87, 88, 90, 91, 92, 94 and 95 and Raymond 2 and
444 Spring Ridge Precincts.

445 **SECTION 24.** Section 9-7-25, Mississippi Code of 1972, is
446 amended as follows:

447 9-7-25. (1) There shall be five (5) circuit judges for the
448 Seventh Circuit Court District. One (1) judge shall be elected
449 from each subdistrict.

450 (2) While there shall be no limitation whatsoever upon the
451 powers and duties of the said judges other than as cast upon them
452 by the Constitution and laws of this state, the court in the First
453 Judicial District of Hinds County, in the discretion of the senior
454 circuit judge, may be divided into civil and criminal divisions as
455 a matter of convenience, by the entry of an order upon the minutes
456 of the court.

457 **SECTION 25.** Section 9-7-29, Mississippi Code of 1972, is
458 amended as follows:

459 9-7-29. (1) The Ninth Circuit Court District shall be
460 comprised of the following counties:

- 461 (a) Issaquena County;
- 462 (b) Sharkey County; and
- 463 (c) Warren County.

464 (2) The Ninth Circuit Court District shall be divided into
465 two (2) subdistricts as follows:

466 (a) Subdistrict 9-1 shall consist of Issaquena County,
467 Sharkey County and the following precincts in Warren County: St.
468 Aloysius, Kings, Cedar Grove, 3-61 Store, Auditorium, Brunswick,
469 Vicksburg Junior High School and American Legion Precincts.

470 (b) Subdistrict 9-2 shall consist of the following
471 precincts in Warren County: Oak Ridge, Bovina, Culkin, Redwood,
472 Number 7 Firestation, Jett, Elks Club, Goodrum Church, Yokena,
473 Plumbers Hall, Beechwood, Y.M.C.A., Moose Lodge and Tingleville
474 Precincts.

475 **SECTION 26.** Section 9-7-32, Mississippi Code of 1972, is
476 amended as follows:

477 9-7-32. (1) There shall be two (2) judges for the Tenth
478 Circuit Court District.

479 (2) For purposes of appointment and election, the two (2)
480 judgeships shall be separate and distinct and denominated for

481 purposes of appointment and election only as "Place One" and
 482 "Place Two."

483 **SECTION 27.** Section 9-7-33, Mississippi Code of 1972, is
 484 amended as follows:

485 9-7-33. (1) The Eleventh Circuit Court District shall be
 486 comprised of the following counties:

- 487 (a) Bolivar County;
- 488 (b) Coahoma County;
- 489 (c) Quitman County; and
- 490 (d) Tunica County.

491 (2) The Eleventh Circuit Court District shall be divided
 492 into three (3) subdistricts as follows:

493 (a) Subdistrict 11-1 shall consist of the following
 494 precincts from the following counties:

495 (i) Bolivar County: Gunnison, West Rosedale, East
 496 Rosedale, Pace, Beulah, Roundlake/Deeson, Benoit, Scott, Northwest
 497 Cleveland, Cleveland Courthouse, West Central Cleveland, West
 498 Cleveland, Longshot, South Cleveland, North Cleveland, Skene,
 499 Shaw, Boyle, Choctaw and Stringtown Precincts; and

500 (ii) Coahoma County: Sherard, Clarksdale 2-4,
 501 Rena Lara, * * * Bobo and Clarksdale 5-4 Precincts.

502 (b) Subdistrict 11-2 shall consist of the following
 503 precincts from the following counties:

504 (i) Bolivar County: Pleasant Green,
 505 Duncan/Alligator, Shelby, Mound Bayou, Winstonville, Merigold,
 506 Renova, East Central Cleveland, Cleveland Eastgate, and East
 507 Cleveland Precincts;

508 (ii) Coahoma County: Dublin, Clarksdale 3-3,
 509 Clarksdale 3-4, Cagle Crossing, Clarksdale 4-2 and Roundway
 510 Precincts; and

511 (iii) Quitman County: Southwest Marks, West
 512 Lambert and Lambert * * * Precincts.

513 (c) Subdistricts 11-3 shall consist of Tunica County
514 and the following precincts in the following counties:

515 (i) Coahoma County: Lula, Farrell, Friars Point,
516 Lyon, Clarksdale 1-4, Clarksdale 4-3, * * * Coahoma and Jonestown
517 Precincts; and

518 (ii) Quitman County: Crenshaw, Sledge, * * *
519 Darling, Belen, Northwest Marks, Northeast Marks, East Marks-NE
520 Lambert and Crowder Precincts.

521 **SECTION 28.** Section 9-7-39, Mississippi Code of 1972, is
522 amended as follows:

523 9-7-39. (1) The Fourteenth Circuit Court District shall be
524 comprised of the following counties:

525 (a) Lincoln County;

526 (b) Pike County; and

527 (c) Walthall County.

528 (2) There shall be two (2) judges for the Fourteenth Circuit
529 Court District. For purposes of appointment and election, the two
530 (2) judgeships shall be separate and distinct and denominated for
531 purposes of appointment and election only as "Place One" and
532 "Place Two."

533 **SECTION 29.** Section 9-7-42, Mississippi Code of 1972, is
534 amended as follows:

535 9-7-42. (1) There shall be three (3) judges for the
536 Fifteenth Circuit Court District.

537 (2) For the purposes of appointment and election, the three
538 (3) judgeships shall be separate and distinct and denominated for
539 purposes of appointment and election only as "Place One," "Place
540 Two" and "Place Three."

541 **SECTION 30.** Section 9-7-44, Mississippi Code of 1972, is
542 amended as follows:

543 9-7-44. There shall be three (3) judges for the Sixteenth
544 Circuit Court District.

545 **SECTION 31.** Section 9-7-46, Mississippi Code of 1972, is
 546 amended as follows:

547 9-7-46. (1) There shall be four (4) circuit judges for the
 548 Seventeenth Circuit Court District.

549 (2) For the purpose of appointment and election, the four
 550 (4) judgeships shall be separate and distinct, and two (2) judges
 551 shall be elected from Subdistrict 17-1 and two (2) judges shall be
 552 elected from Subdistrict 17-2. For purposes of appointment and
 553 election, the two (2) judgeships in Subdistrict 17-1 shall be
 554 separate and distinct and denominated for purposes of appointment
 555 and election only as "Place One" and "Place Two." For purposes of
 556 appointment and election, the two (2) judgeships in Subdistrict
 557 17-2 shall be separate and distinct and denominated for purposes
 558 of election and appointment as "Place One" and "Place Two."

559 **SECTION 32.** Section 9-7-53, Mississippi Code of 1972, is
 560 amended as follows:

561 9-7-53. The Twentieth Circuit Court District shall be * * *
 562 Rankin County.

563 **SECTION 33.** Section 9-7-54, Mississippi Code of 1972, is
 564 amended as follows:

565 9-7-54. (1) There shall be two (2) judges for the Twentieth
 566 Circuit Court District.

567 (2) For the purposes of appointment and election, the two
 568 (2) judgeships shall be separate and distinct and denominated for
 569 purposes of appointment and election only as "Place One" and
 570 "Place Two."

571 **SECTION 34.** The following shall be codified as Section
 572 9-7-59, Mississippi Code of 1972:

573 9-7-59. The Twenty-third Circuit Court District shall be
 574 Madison County and shall be divided into two (2) subdistricts as
 575 follows:

576 (a) (i) Subdistrict 23-1 shall consist of the
 577 following precincts: Ratliff Ferry, Canton Precinct 2, Canton
 578 Precinct 3, Canton Precinct 7, Smith School, Magnolia Heights,
 579 Flora, Virililia, Canton Precinct 5, Liberty, New Industrial Park,
 580 Madison County Baptist Family Life Center, Cameron, Couparle,
 581 Camden, Sharon, Canton Precinct 1, Canton Precinct 4, Luther
 582 Branson School and Bible Church Precincts.

583 (ii) Subdistrict 23-1 shall consist of the
 584 following partial precincts: Madisonville and Bear Creek
 585 Precincts. The Split Precinct Block List developed in conjunction
 586 with Chapter 761, Laws of 2002, that details portions of partial
 587 or split precincts that are contained within a subdistrict by
 588 census tract and block number and was utilized in developing the
 589 partial or split precincts of this subdistrict is hereby
 590 incorporated and shall be construed to be an integral part of this
 591 section.

592 (b) (i) Subdistrict 23-2 shall consist of the
 593 following precincts: Trace Harbor, Main Harbor, Victory Baptist
 594 Church, Madison 1, Madison 2, Madison 3, Ridgeland 3, Ridgeland 4,
 595 Ridgeland First Methodist Church, Gluckstadt, Lorman-Cavalier,
 596 Ridgeland 1, Tougaloo, Cobblestone Church of God, Highland Colony
 597 Baptist Church and Whisper Lake Precincts.

598 (ii) Subdistrict 23-2 shall consist of that
 599 portion of the following partial precincts not included in
 600 Subdistrict 23-1: Madisonville and Bear Creek Precincts.

601 **SECTION 35.** The following shall be codified as Section
 602 9-7-60, Mississippi Code of 1972:

603 9-7-60. There shall be two (2) judges for the Twenty-third
 604 Circuit Court District. One (1) judge shall be elected from each
 605 subdistrict.

606 **SECTION 36.** Section 23-15-982, Mississippi Code of 1972, is
 607 amended as follows:

608 23-15-982. (1) Majority of vote equals any excess of the
609 total vote for all candidates divided by the number of judgeships
610 to be filled divided by two (2).

611 If some or all candidates in a multijudge election do not
612 receive a majority of the vote, then candidates equal in number to
613 twice the number of remaining positions to be filled and having
614 the highest votes shall run in a runoff election. In such event,
615 if there is not a sufficient number of remaining candidates equal
616 to twice the number of remaining positions to be filled, then all
617 remaining candidates shall run in the runoff election.

618 (2) Any tie votes which require resolution to determine who
619 shall enter a runoff election shall be determined by the
620 commissioners of election in the manner prescribed by Sections
621 23-15-601 and 23-15-605.

622 Candidates equal to the remaining number of positions to be
623 filled who have the highest votes in the runoff election are
624 elected.

625 Any tie votes which must be determined in order to decide who
626 is elected as a result of a runoff election shall be determined by
627 the State Election Commission in the manner prescribed by Sections
628 23-15-601 and 23-15-605.

629 (3) The provisions of this section shall apply only to
630 districts and subdistricts which are multijudge districts except
631 for the chancery court districts with chancellorships designated
632 as places and the First, Second, Third, Fifth, Eighth, Tenth,
633 Fifteenth, Sixteenth, Subdistrict 17-2 of the Seventeenth,
634 Nineteenth and Twentieth Circuit Court Districts.

635 **SECTION 37.** Section 23-15-983, Mississippi Code of 1972, is
636 amended as follows:

637 23-15-983. At the general election, the candidates equal to
638 the number of positions to be filled and having the highest votes
639 shall be elected.

640 Any tie votes in the general election which must be resolved
 641 in order to determine who is elected shall be resolved in the
 642 manner prescribed by Sections 23-15-601 and 23-15-605.

643 The provisions of this section shall apply only to districts
 644 and subdistricts which are multijudge districts except for the
 645 chancery court districts with chancellorships designated as places
 646 and the First, Second, Third, Fifth, Eighth, Tenth, Fifteenth,
 647 Sixteenth, Subdistrict 17-2 of the Seventeenth, Nineteenth and
 648 Twentieth Circuit Court Districts.

649 **SECTION 38.** No new judgeships or chancellorships created by
 650 this act shall be filled until the judicial elections are
 651 conducted in 2006. Any district attorneys for circuit court
 652 districts created by this act whose term of office begins on
 653 January 1, 2007, shall be elected at a special election to be held
 654 at the same time as the judicial elections in 2006. Thereafter,
 655 such district attorneys shall be elected at the time and in the
 656 manner provided by law for electing district attorneys.

657 **SECTION 39.** The Attorney General of the State of Mississippi
 658 shall submit this act, immediately upon approval by the Governor,
 659 or upon approval by the Legislature subsequent to a veto, to the
 660 Attorney General of the United States or to the United States
 661 District Court for the District of Columbia in accordance with the
 662 provisions of the Voting Rights Act of 1965, as amended and
 663 extended.

664 **SECTION 40.** This act shall take effect and be in force from
 665 and after January 1, 2006, provided that it is effectuated under
 666 Section 5 of the Voting Rights Act of 1965, as amended and
 667 extended.

**Further, amend by striking the title in its entirety and
 inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 9-5-1, MISSISSIPPI CODE OF 1972, TO
 2 CONFORM TO THE 2000 CENSUS; TO AMEND SECTIONS 9-5-1, 9-5-7,
 3 9-5-11, 9-5-13, 9-5-17, 9-5-22, 9-5-25, 9-5-31, 9-5-36, 9-5-37,

4 9-5-40, 9-5-43, 9-5-51, 9-5-54 AND 9-5-58, MISSISSIPPI CODE OF
5 1972, TO REDISTRIBUTE CERTAIN CHANCERY COURT DISTRICTS; TO REVISE
6 CERTAIN CHANCELLORSHIPS; TO PROVIDE NEW CHANCELLORS IN CERTAIN
7 CHANCERY COURT DISTRICTS; TO CREATE SUBDISTRICTS IN CERTAIN
8 CHANCERY COURT DISTRICTS; TO CODIFY SECTION 9-5-42, MISSISSIPPI
9 CODE OF 1972, TO PROVIDE AN ADDITIONAL CHANCELLOR FOR THE
10 THIRTEENTH CHANCERY COURT DISTRICT; TO AMEND SECTION 9-7-1,
11 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE 2000 CENSUS; TO AMEND
12 SECTIONS 9-7-1, 9-7-7, 9-7-14, 9-7-15, 9-7-20, 9-7-21, 9-7-23,
13 9-7-25, 9-7-29, 9-7-32, 9-7-33, 9-7-39, 9-7-42, 9-7-44, 9-7-46,
14 9-7-53 AND 9-7-54, MISSISSIPPI CODE OF 1972, TO REDISTRIBUTE CERTAIN
15 CIRCUIT COURT DISTRICTS; TO CREATE SUBDISTRICTS IN CERTAIN CIRCUIT
16 COURT DISTRICTS; TO REVISE CERTAIN JUDGESHIPS; TO PROVIDE NEW
17 JUDGES IN CERTAIN CIRCUIT COURT DISTRICTS; TO CREATE SECTION
18 9-7-59 AND 9-7-60, MISSISSIPPI CODE OF 1972, TO CREATE THE
19 TWENTY-THIRD CIRCUIT COURT DISTRICT; TO AMEND SECTIONS 23-15-982
20 AND 23-15-983, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;
21 AND FOR RELATED PURPOSES.

PROPOSED HOUSE AMENDMENT TO SENATE BILL NO.

Am # 2
2339
BY Rep. Blackmon

Amend by striking lines 56 through 59 in their entirety and inserting in lieu thereof the following

41 (2) For purposes of appointment and election, the four (4)
42 chancellorships shall be separate and distinct and denominated for

05/HR40/SB2339A.1J
PAGE 1
(CJR)

STANDARD UNIFORMS FOR THE MISSISSIPPI COURT DISTRICTS

43 purposes of appointment and election only as "Place One," "Place
44 Two," "Place Three" and "Place Four." The chancellor to fill
45 Place One shall be a resident of Alcorn, Prentiss or Tishomingo
46 County. The chancellor to fill Place Two shall be a resident of
47 Itawamba, Lee, Monroe, Pontotoc or Union County. The chancellors
48 to fill Place Three and Place Four shall be residents of Alcorn,
49 Itawamba, Lee, Monroe, Pontotoc, Prentiss, Tishomingo or Union
50 Counties. Election of the four (4) offices of chancellor shall be
51 by election to be held in every county within the First Chancery
52 Court District of Mississippi.

~~AMEND title (to conform)~~ (as follows):

Amend further by striking lines 82 through 92 in their entirety and inserting in lieu thereof the following:

115 9-5-25. There shall be three (3) chancellors for the Seventh
116 Chancery Court District. One (1) chancellor shall be elected from
117 Subdistrict 7-1 and two (2) chancellors shall be elected from
118 Subdistrict 7-2. For purposes of appointment and election, the
119 two (2) chancellorships for Subdistrict 7-2 shall be separate and
120 distinct and denominated for purposes of appointment and election
121 only as "Place One" and "Place Two."

Amend further by striking lines 148 through 153 in their entirety and inserting in lieu thereof the following:

325 9-7-14. (1) There shall be three (3) circuit judges for the
326 Third Circuit Court District.

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PAGE 10
(CJR)



327 (2) For purposes of appointment and election, the three (3)
328 judgeships shall be separate and distinct and denominated for
329 purposes of appointment and election only as "Place One, "Place
330 Two" and "Place Three." The judge for "Place Three" shall be a
331 resident of Benton, Marshall or Tippah County.

Amend Further by striking lines 142 through 146 in their entirety and inserting in lieu thereof the following:

310 9-7-7. (1) There shall be four (4) judges for the First
 311 Circuit Court District.
 312 (2) For purposes of appointment and election, the four (4)
 313 judgeships shall be separate and distinct and denominated for
 314 purposes of appointment and election only as "Place One," "Place
 315 Two," "Place Three" and "Place Four." The judge to fill Place One
 316 shall be a resident of Alcorn, Prentiss or Tishomingo County. The
 317 judge to fill Place Two shall be a resident of Itawamba, Lee,
 318 Monroe or Pontotoc County. The judges to fill Place Three and
 319 Place Four shall be residents of Alcorn, Itawamba, Lee, Monroe,
 320 Pontotoc, Prentiss or Tishomingo Counties. Election of the four
 321 (4) offices of judge shall be by election to be held in every
 322 county within the First Circuit Court District of Mississippi.

~~Amend Further by striking striking lines 195 through 198 in their entirety~~

Amend Further by striking lines 201 through 209 in their entirety and inserting in lieu thereof the following:

547 9-7-46. (1) There shall be four (4) circuit judges for the
 548 Seventeenth Circuit Court District.
 549 (2) For the purpose of appointment and election, the four
 550 (4) judgeships shall be separate and distinct, and two (2) judges
 551 shall be elected from Subdistrict 17-1 and two (2) judges shall be
 552 elected from Subdistrict 17-2. For purposes of appointment and
 553 election, the two (2) judgeships in Subdistrict 17-1 shall be
 554 separate and distinct and denominated for purposes of appointment
 555 and election only as "Place One" and "Place Two." For purposes of
 556 appointment and election, the two (2) judgeships in Subdistrict
 557 17-2 shall be separate and distinct and denominated for purposes
 558 of election and appointment as "Place One" and "Place Two."

Amend further by striking lines 193 through 198 in their entirety and inserting in lieu thereof the following:

"9-7-44. There shall be three(3) judges for the Sixteenth Circuit Court District.

Amend further by striking lines 212 through 217 in their entirety and inserting in lieu thereof the following:

9-7-54. (1) The Twentieth Circuit Court District shall be divided into two(2) subdistricts. Subdistrict 20-1 shall be Madison County and subdistrict 20-2 shall be Rankin County.

(2) There shall be four(4) judges for the Twentieth Circuit Court District. Two(2) judges shall be elected from each subdistrict. For purposes of appointment and election, the two(2) judgeships in subdistrict 20-2 shall be separate and distinct and denominated for purposes of appointment and election only as "Place One" and "Place Two".

~~(3)~~ SECTION 34. ~~The following shall be codified as Section~~

~~59, Mississippi Code of 1972:~~

9-7-59. ~~The Twenty-third Circuit Court District shall be~~
 (3) ~~subdistrict 20-1~~ ^{division}
 Madison County and shall be divided into two (2) ~~subdistricts~~ as

follows:

Division 1

(a) (i) ~~Subdistrict 23-1~~ shall consist of the following precincts: Ratliff Ferry, Canton Precinct 2, Canton Precinct 3, Canton Precinct 7, Smith School, Magnolia Heights,

579 Flora, Virililia, Canton Precinct 5, Liberty, New Industrial Park,
 580 Madison County Baptist Family Life Center, Cameron, Couparle,
 581 Camden, Sharon, Canton Precinct 1, Canton Precinct 4, Luther
 582 Branson School and Bible Church Precincts.

583 ^{Division 1}
 (ii) ~~Subdistrict 23-1~~ shall consist of the
 584 following partial precincts: Madisonville and Bear Creek
 585 Precincts. The Split Precinct Block List developed in conjunction
 586 with Chapter 761, Laws of 2002, that details portions of partial
 587 or split precincts that are contained within a subdistrict by
 588 census tract and block number and was utilized in developing the
 589 partial or split precincts of this subdistrict is hereby
 590 incorporated and shall be construed to be an integral part of this
 591 section.

592 ^{Division 2}
 (b) (i) ~~Subdistrict 23-2~~ shall consist of the
 593 following precincts: Trace Harbor, Main Harbor, Victory Baptist
 594 Church, Madison 1, Madison 2, Madison 3, Ridgeland 3, Ridgeland 4,
 595 Ridgeland First Methodist Church, Gluckstadt, Lorman-Cavalier,
 596 Ridgeland 1, Tougaloo, Cobblestone Church of God, Highland Colony
 597 Baptist Church and Whisper Lake Precincts.

598 ^{Division 2}
 (ii) ~~Subdistrict 23-2~~ shall consist of that
 599 portion of the following partial precincts not included in
 600 Subdistrict 23-1: Madisonville and Bear Creek Precincts.

601 ~~SECTION 35. The following shall be codified as Section~~
 602 ~~9-7-60, Mississippi Code of 1972:~~

603 ~~9-7-60. There shall be two (2) judges for the Twenty-third~~
 604 ~~Circuit Court District. One (1) judge shall be elected from each~~
 605 ~~subdistrict.~~

606 ~~SECTION 36. Section 23-15-982, Mississippi Code of 1972, is~~
 607 ~~amended as follows:~~

608 ~~23-15-982. (1) Majority of vote equals any excess of the~~
 609 ~~total vote for all candidates divided by the number of judgeships~~
 610 ~~to be filled divided by two--(2).....~~

PROPOSED HOUSE AMENDMENT TO SENATE BILL NO. 2339

BY Fillingane, Carlo

Amend on lines 185 ^{and 187} changing
"two(2)" to "three(3)"

Amend further on line ~~187~~
190 after the word "Two"
by inserting and "Place Three"

AMEND title (to conform) (as follows):

Live Webcasts



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Measure Search

(<https://dms.lbo.ms.gov/PublicFormsService/Fill>)

House Bills

Measure #

Retrieve Measure



U.S. Department of Justice

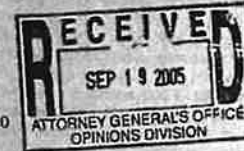
Civil Rights Division

JKT:JBG:TAL:par
 DJ 166-012-3
 2005-2443

Voting Section - NWB
 950 Pennsylvania Avenue, N.W.
 Washington, D.C. 20530

September 15, 2005

Heather P. Wagner, Esq.
 Assistant Attorney General
 P.O. Box 220
 Jackson, Mississippi 39205-0220



Dear Ms. Wagner:

This refers to Chapter 501 (S.B. 2339) (2005), which provides for the establishment of four additional circuit court judgeships, four additional chancery court judgeships, the adoption of additional posts in certain circuit and chancery court districts, residency requirements for certain circuit and chancery court judges, and an implementation schedule for the State of Mississippi. We received your submission on July 20, 2005.

The Attorney General does not interpose any objection to the specified changes. However, Section 5 expressly provides that the failure of the Attorney General to object does not constitute litigation to enjoin the enforcement of the changes. Procedures for the enforcement of Section 5 of the Voting Rights Act (28 C.F.R. 51.41).

Sincerely,

[Signature]
 John R. Palmer
 Chief, Voting Section

**JOURNAL OF THE SENATE
OF THE
STATE OF MISSISSIPPI**

**AT A REGULAR SESSION THEREOF
IN THE CITY OF JACKSON**

**Commencing Tuesday, January 4, 2005
Ending Wednesday, April 6, 2005**

*** * ***

PUBLISHED BY AUTHORITY

S. R. No. 4: Rules
A RESOLUTION COMMEMORATING THE CECIL VAUGHAN/HERMAN
 ROBINSON MEMORIAL CLASSIC AT NEW HOPE HIGH SCHOOL.
 By Senator(s) Brown

TENTH DAY, THURSDAY, JANUARY 13, 2005

The Senate met at 10:00 AM pursuant to adjournment, President Tuck presiding.

The roll being called the following Senators answered to their names:

Present—Albritton, Brown, Browning, Bryan, Burton, Butler, Carmichael, Chaney, Cuevas, Davis, Dawkins, Dearing, Doxey, Flowers, Frazier, Gollott, Gordon, Harden, Harvey, Hewes, Horhn, Huggins, Hyde-Smith, Jackson G. (15th), Jackson R. (11th), Jackson S. (32nd), Jordan, King, Kirby, Lee P. (35th), Lee E. (47th), Little, Mettetal, Michel, Moffatt, Morgan, Nunnelee, Pickering, Posey, Robertson, Ross, Simmons, Thames, Thomas, Tollison, Turner, Walley, Walls, White, Wilemon, Williamson. Total—51.

Absent—Clarke. Total—1.

The Secretary announced a quorum present.

Leave of absence was granted to Senator Clarke.

The invocation was delivered by Rev. H. T. Frazier, St. Thomas Baptist Church, Bolton, MS.

Senator Frazier led the Senate in the recitation of the oath of allegiance to the flag of the United States of America.

On motion of Senator Burton and by unanimous consent, the reading of the journal of the previous day was dispensed with, and the same stood approved.

INTRODUCTION OF SENATE BILLS AND RESOLUTIONS:

The measures introduced were read under a suspension of the rules, referred to committees, and are listed after adjournment on this date.

Senator Ross called up the following entitled bill:

S. B. No. 2288: Exemption from execution and clarify for proceeds accruing to certain claims.

YEAS AND NAYS On S. B. No. 2288. On motion of Senator Ross, the rules were suspended, the bill considered engrossed, read the third time and, the yeas and nays being taken, it passed, title standing as stated, by the following vote:

Yeas—Albritton, Brown, Browning, Bryan, Burton, Butler, Carmichael, Chaney, Cuevas, Davis, Dawkins, Dearing, Doxey, Flowers, Frazier, Gollott, Gordon, Harden, Harvey, Hewes, Horhn, Huggins, Hyde-Smith, Jackson G. (15th), Jackson R. (11th),

110

SENATE JOURNAL
THURSDAY, JANUARY 13, 2005

Jackson S. (32nd), Jordan, King, Kirby, Lee P. (35th), Lee E. (47th), Little, Mettetal, Michel, Moffatt, Morgan, Nunnelee, Pickering, Posey, Robertson, Ross, Simmons, Thames, Thomas, Tollison, Turner, Walley, Walls, White, Wilemon, Williamson. Total—51.

Nays—None.

Absent and those not voting—Clarke. Total—1.

Senator Ross called up the following entitled bill:

S. B. No. 2339: Judicial redistricting; enact and eliminate running in the herd.

On motion of Senator Ross, the Committee Substitute was adopted for consideration.

YEAS AND NAYS On S. B. No. 2339. On motion of Senator Ross, the rules were suspended, the bill considered engrossed, read the third time and, the yeas and nays being taken, it passed, title standing as stated, by the following vote:

YEAS AND NAYS On S. B. No. 2339. On motion of Senator Ross, the rules were suspended, the bill considered engrossed, read the third time and, the yeas and nays being taken, it passed, title standing as stated, by the following vote:

Yeas—Albritton, Brown, Browning, Bryan, Burton, Butler, Carmichael, Chaney, Cuevas, Davis, Dearing, Doxey, Flowers, Gollott, Gordon, Harden, Harvey, Hewes, Horhn, Huggins, Hyde-Smith, Jackson G. (15th), Jackson S. (32nd), King, Kirby, Lee P. (35th), Lee E. (47th), Little, Mettetal, Michel, Moffatt, Morgan, Nunnelee, Pickering, Posey, Robertson, Ross, Thames, Tollison, Walley, Walls, White, Wilemon, Williamson. Total—44.

Nays—Dawkins, Frazier, Jackson R. (11th), Jordan, Simmons, Thomas, Turner. Total—7.

Absent and those not voting—Clarke. Total—1.

Senators Williamson and Burton moved that when the Senate adjourns, it adjourn in memory of Honorable Laurel G. Weir of Philadelphia, MS.

Senator Dearing moved that when the Senate adjourns, it adjourn in memory of B. R. "Bill" Moore of Atlanta, GA.

Senator Dawkins moved that when the Senate adjourns, it adjourn in memory of Nellie Inez Carter of Gulfport, MS.

Senator Dawkins moved that when the Senate adjourns, it adjourn in memory of Rose Ann Gibbs of Pass Christian, MS.

Senator Dawkins moved that when the Senate adjourns, it adjourn in memory of Hazel Davis Vaughn of Vancleave, MS.

Senator Jackson R. (11th) moved that when the Senate adjourns, it adjourn in memory of Jimmie Hicks, Jr. of Marks, MS.

**JOURNAL OF THE HOUSE
OF REPRESENTATIVES
OF THE
STATE OF MISSISSIPPI**

**THE ONE HUNDRED AND TWENTIETH
REGULAR SESSION**

**Commencing Tuesday, January 4, 2005
Ending Wednesday, April 6, 2005**

*** * ***

PUBLISHED BY AUTHORITY

FORTY-SEVENTH DAY, WEDNESDAY, MARCH 9, 2005

(SIXTY-FIFTH CALENDAR DAY)

The House met pursuant to adjournment, William J. McCoy in the Chair. Prayer by Representative Carmel Wells Smith, Jackson County.

Present--Akins, Aldridge, Arinder, Bailey, Baker (8th), Baker (74th), Banks, Barnett, Beckett, Bentz, Blackmon, Bondurant, Bounds, Broomfield, Brown, Buck, Burnett, Calhoun, Capps, Carlton, Chism, Clark, Clarke, Coleman (29th), Coleman (65th), Compretta, Cummings, Davis, Dedeaux, Denny, Dickson, Eaton, Ellington, Ellis, Espy, Evans, Fillingane, Flaggs, Fleming, Formby, Franks, Fredericks, Frierson, Gadd, Gibbs, Green, Gregory, Guice, Gunn, Hamilton (6th), Hamilton (109th), Harrison, Hines, Holland, Holloway, Horne, Howell, Huddleston, Hudson, Ishee, Janus, Jennings, Johnson, Lott, Malone, Markham, Martinson, Masterson, Mayhall, Mayo, McBride, Middleton, Miles, Mims, Moak, Montgomery, Moore, Morris, Moss, Myers, Parker, Patterson, Peranich, Perkins, Read, Reed, Reeves, Reynolds, Robinson (84th), Robinson (63rd), Rogers (14th), Rogers (61st), Rotenberry, Scott, Shows, Simpson, Smith (59th), Smith (27th), Smith (39th), Snowden, Staples, Stevens, Straughter, Stringer, Sullivan, Taylor, Thomas, Turner, Upshaw, Vince, Ward, Warren, Watson, Weathersby, Wells-Smith, Whittington, Woods, Young, Zuber, Mr. Speaker. Total--120.
Absent or those not voting--Nicholson. Total--1.
Vacancies--1.

Leave of absence was granted to Representative Nicholson.

A quorum was present.

On motion of Mr. Stringer the reading of the journal of the previous day was dispensed with and the same stood approved by unanimous consent.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that the Senate has PASSED AND TRANSMITS herewith the following:

H. B. No. 954: Public property; authorize DFA to sell certain property located in Alcorn County.

H. B. No. 1195: Income tax; clarify that assessment of penalty for failure to pay or to file return is permissive (STC).

H. B. No. 1471: Finance charges; fees relating to loans from certain retirement plans not considered as.

John O. Gilbert, Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that the Senate has PASSED AND TRANSMITS herewith the following WITH ACCOMPANYING AMENDMENT:

H. B. No. 517: Certain local natural gas districts; add municipal/county system-users to board of directors for.

H. B. No. 1130: Commercial Driver's License Law; revise to comply with federal law (DPS).

Mr. Myers moved that the House reconsider the vote whereby Committee Amendment No. 3 failed to be adopted.

Mr. Moak moved that the House table the motion to reconsider the vote whereby Amendment No. 3 failed to be adopted, which motion prevailed by the following vote:

Yeas--Akins, Aldridge, Arinder, Baker (8th), Barnett, Beckett, Bentz, Bondurant, Bounds, Carlton, Chism, Davis, Denny, Ellington, Fillingane, Formby, Frierson, Gadd, Gregory, Guice, Gunn, Hamilton (6th), Hamilton (109th), Horne, Howell, Hudson, Ishee, Janus, Jennings, Lott, Malone, Martinson, Masterson, Mayhall, Mayo, McBride, Mims, Moak, Montgomery, Moore, Parker, Patterson, Peranich, Read, Reed, Reeves, Robinson (84th), Rogers (14th), Rotenberry, Shows, Simpson, Smith (39th), Snowden, Staples, Stevens, Stringer, Turner, Upshaw, Ward, Warren, Wells-Smith, Woods, Zuber. Total--63.

Nays--Bailey, Baker (74th), Banks, Blackmon, Broomfield, Brown, Buck, Burnett, Calhoun, Clark, Clarke, Coleman (29th), Coleman (65th), Compretta, Cummings, Dedeaux, Dickson, Eaton, Ellis, Espy, Evans, Flaggs, Fleming, Franks, Fredericks, Gibbs, Green, Harrison, Hines, Holland, Holloway, Huddleston, Johnson, Middleton, Miles, Morris, Moss, Myers, Perkins, Reynolds, Robinson (63rd), Rogers (61st), Scott, Smith (59th), Smith (27th), Straughter, Sullivan, Taylor, Thomas, Vince, Watson, Weathersby, Whittington, Young, Mr. Speaker. Total--55.

Absent or those not voting--Capps, Markham, Nicholson. Total--3.

Vacancies--1.

AMENDMENT NO. 5 BY REPRESENTATIVE CHISM:

AMEND after line 198 by inserting the following after the period: For purposes of appointment and election, the three (3) judgeships shall be separate and distinct and denominated for purposes of appointment and election only as "Place One," "Place Two" and "Place Three."

The foregoing amendment lost by the following vote:

Yeas--Akins, Aldridge, Arinder, Baker (8th), Barnett, Beckett, Bounds, Carlton, Chism, Denny, Ellington, Fillingane, Formby, Guice, Gunn, Hamilton (6th), Horne, Howell, Hudson, Ishee, Janus, Jennings, Lott, Martinson, Masterson, Mims, Moore, Read, Reed, Reeves, Robinson (84th), Rotenberry, Shows, Smith (39th), Snowden, Staples, Stevens, Turner, Wells-Smith, Woods, Zuber. Total--41.

Nays--Bailey, Baker (74th), Banks, Blackmon, Bondurant, Broomfield, Brown, Buck, Burnett, Calhoun, Clark, Clarke, Coleman (29th), Coleman (65th), Compretta, Cummings, Davis, Dedeaux, Dickson, Eaton, Ellis, Espy, Evans, Flaggs, Fleming, Franks, Fredericks, Gadd, Gibbs, Green, Gregory, Harrison, Hines, Holland, Holloway, Huddleston, Johnson, Malone, Mayhall, Mayo, Middleton, Miles, Moak, Montgomery, Morris, Moss, Myers, Parker, Patterson, Peranich, Perkins, Reynolds, Robinson (63rd), Rogers (14th), Rogers (61st), Scott, Simpson, Smith (59th), Smith (27th), Straughter, Stringer, Sullivan, Taylor, Thomas, Upshaw, Vince, Ward, Warren, Watson, Weathersby, Whittington, Young, Mr. Speaker. Total--73.

Absent or those not voting--Bentz, Capps, Frierson, Hamilton (109th), Markham, McBride, Nicholson. Total--7.

Vacancies--1.

YEAS AND NAYS ON S. B. No. 2339. On motion of Mr. Blackmon the rules were suspended, the bill considered engrossed, read the third time and, agreeable to the provisions of the Constitution, the yeas and nays were taken and the bill passed the standing as stated by the following vote:

Yeas--Akins, Arinder, Bailey, Baker (8th), Baker (74th), Barnett, Blackmon, Bounds, Broomfield, Brown, Buck, Burnett, Calhoun, Carlton, Clark, Clarke, Coleman

(29th), Coleman (65th), Compretta, Cummings, Davis, Dedeaux, Dickson, Eaton, Ellis, Espy, Evans, Fillingane, Flaggs, Formby, Franks, Fredericks, Frierson, Gadd, Gibbs, Green, Hamilton (6th), Harrison, Hines, Holland, Holloway, Huddleston, Hudson, Ishee, Jennings, Johnson, Lott, Markham, Masterson, Mayhall, Mayo, McBride, Middleton, Miles, Mims, Moak, Montgomery, Moore, Morris, Moss, Myers, Peranich, Perkins, Read, Robinson (63rd), Rogers (14th), Rogers (61st), Rotenberry, Scott, Smith (59th), Smith (27th), Snowden, Stevens, Straughter, Sullivan, Taylor, Thomas, Vince, Ward, Warren, Watson, Weathersby, Wells-Smith, Whittington, Woods, Young, Mr. Speaker. Total—87.
 Nays—Aldridge, Banks, Beckett, Bentz, Bondurant, Chism, Denny, Ellington, Fleming, Guice, Gunn, Hamilton (109th), Horne, Howell, Janus, Malone, Martinson, Parker, Patterson, Reed, Reeves, Reynolds, Robinson (84th), Shows, Simpson, Smith (39th), Staples, Stringer, Turner, Upshaw, Zuber. Total—31.
 Absent or those not voting—Capps, Gregory, Nicholson. Total—3.
 Vacancies—1.

Mr. Holland called up the following bill which had been laid on the table subject to call:

S. B. No. 2883: Abortion facilities; revise licensure categories.

AMENDMENT NO. 1 BY REPRESENTATIVE WELLS-SMITH:

AMEND after line 127 by inserting the following:

"This section shall stand repealed on June 30, 2006."

ADOPTED

YEAS AND NAYS ON S. B. No. 2883. On motion of Mr. Holland the rules were suspended, the bill considered engrossed, read the third time and, agreeable to the provisions of the Constitution, the yeas and nays were taken and the bill passed title standing as stated by the following vote:

Yeas—Akins, Aldridge, Arinder, Baker (8th), Baker (74th), Barnett, Beckett, Bentz, Bondurant, Bounds, Brown, Buck, Calhoun, Carlton, Chism, Coleman (65th), Compretta, Cummings, Davis, Dedeaux, Denny, Dickson, Eaton, Ellington, Ellis, Espy, Fillingane, Flaggs, Fleming, Formby, Franks, Fredericks, Frierson, Gadd, Gregory, Guice, Gunn, Hamilton (6th), Hamilton (109th), Holland, Horne, Howell, Hudson, Ishee, Janus, Jennings, Lott, Malone, Markham, Martinson, Masterson, Mayhall, Mayo, McBride, Miles, Mims, Moak, Montgomery, Moore, Morris, Moss, Parker, Patterson, Peranich, Read, Reed, Reeves, Reynolds, Robinson (84th), Rogers (14th), Rogers (61st), Rotenberry, Shows, Simpson, Smith (59th), Smith (39th), Snowden, Staples, Stevens, Stringer, Sullivan, Taylor, Turner, Upshaw, Vince, Ward, Warren, Weathersby, Wells-Smith, Whittington, Woods, Zuber, Mr. Speaker. Total—93.

Nays—Bailey, Banks, Blackmon, Burnett, Clarke, Gibbs, Green, Harrison, Holloway, Huddleston, Johnson, Myers, Perkins, Scott, Smith (27th), Thomas. Total—16.

Absent or those not voting—Capps, Clark, Coleman (29th), Evans, Middleton, Nicholson, Robinson (63rd), Straughter, Watson. Total—9.

Present—Broomfield, Hines, Young. Total—3.

Vacancies—1.

Mr. Franks entered a motion to reconsider the vote whereby the following bill passed:

S. B. No. 3047: Appropriation; Dept. of Audit.

A request was made by Mr. Johnson to be added as an author to the following:

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Mary Alice Goodie, Terrell "Terry" Randolph, Sr., Dina Ann Taylor, Dorothy Louise Ford, James Bell Johnson, Mittie Olene Ross, Vennie Lucille Greer, Kevin Curt Johnson, Deacon Lonnie Marshall, Allie Harris, Donald Wayne Hopkins and Mary Jane Hall

John O. Gilbert, Secretary of the Senate

INTRODUCTIONS FOR MONDAY, MARCH 28, 2005

S. C. R. No. 602: Rules
A CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ENACT CERTAIN LEGISLATION RECOGNIZING THE MEDICAL NEEDS OF RETIRED MILITARY PERSONNEL AND FAMILIES WHO ARE MEDICARE ELIGIBLE.
By Senator(s) Pickering (By Request)

S. C. R. No. 603: Rules
A CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION DIRECTING THE U.S. DEPARTMENT OF TRANSPORTATION IMPLEMENT THE STEPS AND FUNDING NECESSARY TO CONSTRUCT THE PROPOSED INTERSTATE-14 AND TO PRESCRIBE THE ORIGINALLY PROPOSED ROUTE ALONG U.S. HIGHWAY 84.
By Senator(s) Pickering, Harvey, Hyde-Smith, Thames, Hewes, Morgan, Walley, Dearing

EIGHTY-FIFTH DAY, TUESDAY, MARCH 29, 2005

The Senate met at 10:00 AM pursuant to adjournment, President Tuck presiding.

The roll being called the following Senators answered to their names:

Present--Albritton, Brown, Browning, Bryan, Burton, Butler, Carmichael, Chaney, Clarke, Cuevas, Davis, Dawkins, Dearing, Doxey, Flowers, Frazier, Gollott, Gordon, Harden, Harvey, Hewes, Horhn, Huggins, Hyde-Smith, Jackson G. (15th), Jackson R. (11th), Jackson S. (32nd), Jordan, King, Kirby, Lee P. (35th), Lee E. (47th), Little, Mettetal, Michel, Moffatt, Morgan, Nunnelee, Pickering, Posey, Robertson, Ross, Simmons, Thames, Thomas, Tollison, Turner, Walley, Walls, White, Wilemon, Williamson. Total--52.

Absent--Total--None.

The Secretary announced a quorum present.

The invocation was delivered by Rev. Carl Hughes, Rose Hill Baptist Church, Magnolia, MS.

Senator Butler led the Senate in the recitation of the oath of allegiance to the flag of the United States of America.

On motion of Senator Burton and by unanimous consent, the reading of the journal of the previous day was dispensed with, and the same stood approved.

9-5-41, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE THIRTEENTH CHANCERY COURT DISTRICT AND TO ADD A CHANCELLOR TO THAT DISTRICT; TO AMEND SECTION 9-5-54, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE EIGHTEENTH CHANCERY COURT DISTRICT; TO AMEND SECTION 9-7-7, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE FIRST CIRCUIT COURT DISTRICT AND TO ADD A JUDGE; TO AMEND SECTION 9-7-14, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE THIRD CIRCUIT COURT DISTRICT AND TO ADD A JUDGE; TO AMEND SECTION 9-7-20, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE FIFTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-32, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE TENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-39, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE FOURTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-42, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE FIFTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-44, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE SIXTEENTH CIRCUIT COURT DISTRICT AND TO ADD A JUDGE FOR THE TERM OF OFFICE COMMENCING IN 2011; TO AMEND SECTION 9-7-46, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE SEVENTEENTH CIRCUIT COURT DISTRICT AND TO ADD A JUDGE FOR THE TERM OF OFFICE COMMENCING IN 2011; TO AMEND SECTION 9-7-54, MISSISSIPPI CODE OF 1972, TO ELIMINATE RUNNING IN THE HERD IN THE TWENTIETH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-1-105, MISSISSIPPI CODE OF 1972, TO CLARIFY THE AUTHORITY OF THE CHIEF JUSTICE TO ASSIGN A SPECIAL JUDGE TO ASSIST A CHANCERY OR CIRCUIT COURT WITH A BACKLOG OF CASES; TO CLARIFY THAT CANDIDATES MAY QUALIFY AND RUN FOR NEW JUDICIAL POSITIONS IN THE IMMEDIATELY PRECEDING REGULAR JUDICIAL ELECTION; TO REPEAL SECTIONS 23-15-982, 23-15-983 AND 23-15-984, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE CALCULATION OF VOTE IN MULTIJUDGE DISTRICTS WHEREIN CANDIDATES RUN "IN THE HERD" AND THE NUMBER OF VOTES THAT MAY BE CAST BY EACH ELECTOR; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

Charlie Ross
Ralph H. Doxey
Travis L. Little

CONFEREES FOR THE HOUSE

Linda Coleman
Thomas U. Reynolds

YEAS AND NAYS. The yeas and nays being taken, the Report of Conference Committee on S. B. No. 2339 was adopted:

Yeas—Albritton, Brown, Browning, Bryan, Burton, Butler, Carmichael, Chaney, Clarke, Cuevas, Davis, Dawkins, Dearing, Doxey, Flowers, Gollott, Harden, Harvey, Hewes, Horhn, Huggins, Hyde-Smith, Jackson G. (15th), Jackson R. (11th), Jackson S. (32nd), Jordan, King, Kirby, Lee P. (35th), Lee E. (47th), Little, Mettetal, Michel, Moffatt, Morgan, Nunnelee, Pickering, Posey, Robertson, Ross, Simmons, Thomas, Tollison, Turner, Walley, Walls, White, Wilemon, Williamson. Total—49.

Nays—Frazier, Gordon, Thames. Total—3.

Absent and those not voting—None.

Senator Ross moved that the rules be suspended to move to calendar item 191, H. B. No. 203, and the motion prevailed.

Senator Ross offered the following report of the Conference Committee on H. B. No. 203 and moved that the Report do be adopted:

**JOURNAL OF THE HOUSE
OF REPRESENTATIVES
OF THE
STATE OF MISSISSIPPI**

**THE ONE HUNDRED AND TWENTIETH
REGULAR SESSION**

**Commencing Tuesday, January 4, 2005
Ending Wednesday, April 6, 2005**

*** * ***

PUBLISHED BY AUTHORITY

S. C. R. No. 595: Commend Newton High School "Lady Tigers" Girls Basketball Team for State Championship.

S. C. R. No. 596: Commend Charlie Capps for dedicated legislative and public service.

S. C. R. No. 598: Commend Choctaw Central "Lady Warriors" Girls Basketball Team for second consecutive State Championship.

S. C. R. No. 597: Commend Auburn Quarterback Jason Campbell.

CREDELL CALHOUN, Chairman

Representative Bentz moved that adjournment of the House be in memory of Loyce V. Irby, which motion prevailed.

Representatives Bentz and Janus moved that adjournment of the House be in memory of Jimmy Curtis Brashier, which motion prevailed.

Representative Bounds moved that adjournment of the House be in memory of Olga Sharp, which motion prevailed.

Representative Lott moved that adjournment of the House be in memory of William G. "Bill" Flynn, which motion prevailed.

Representative Parker moved that adjournment of the House be in memory of Elizabeth Joyce Clark, which motion prevailed.

At 7:25 p.m. on motion of Mr. Taylor the House adjourned until 10:00 a.m., Tuesday, March 29.

DON RICHARDSON, Clerk

SIXTY-SECOND DAY, TUESDAY, MARCH 29, 2005

(EIGHTY-FIFTH CALENDAR DAY)

The House met pursuant to adjournment, William J. McCoy in the Chair. Prayer by former Representative, Charlie Smith, Eupora, Mississippi.

The National Anthem was sung by Petal High School "Soundsations" Show Choir.

Representative Mike Lott presented the Show Choir and their leader and told of the many awards they had won, including being named the 2005 National Winner Show Choir.

Present--Akins, Aldridge, Arinder, Bailey, Baker (8th), Baker (74th), Banks, Barnett, Beckett, Bentz, Blackmon, Bondurant, Bounds, Broomfield, Brown, Buck, Burnett, Calhoun, Capps, Carlton, Chism, Clark, Clarke, Coleman (29th), Coleman (65th), Compretta, Cummings, Davis, Dedeaux, Denny, Dickson, Eaton, Ellington, Ellis, Espy, Evans, Fillingane, Flaggs, Fleming, Formby, Franks, Fredericks, Frierson, Gadd, Gibbs, Green, Gregory, Guice, Gunn, Hamilton (6th), Hamilton (109th), Harrison, Hines, Holland, Holloway, Horne, Howell, Huddleston, Hudson, Ishee, Janus, Jennings, Johnson, Lott, Malone, Markham, Martinson, Masterson, Mayhall, Mayo, McBride,

H. B. No. 693: State agencies; DFA may assist creditor agency in collecting fees from delinquent agency and direct funds transfer.

On motion of Mr. Stringer the foregoing conference report was recommitted for further conference.

Mr. Stringer called up the conference report on the following bill:

H. B. No. 1000: Budget; amend certain statutes to provide more money in General Fund for appropriation.

On motion of Mr. Stringer the foregoing conference report was recommitted for further conference.

Mr. Stringer called up the conference report on the following bill:

S. B. No. 2845: State funds; provide for transfers of special funds into BCF, and transfers among categories for certain agencies.

On motion of Mr. Stringer the foregoing conference report was recommitted for further conference.

Mr. Blackmon called up the conference report on the following bill and moved that it be adopted:

S. B. No. 2339: Judicial redistricting; enact and eliminate running in the herd.

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2339: Judicial redistricting; enact and eliminate running in the herd.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

This amendment, in effect, set out an entirely new bill.

CONFEREES FOR THE SENATE: Charlie Ross, Ralph H. Doxey, Travis L. Little
CONFEREES FOR THE HOUSE: Linda Coleman, Thomas U. Reynolds

On motion of Mr. Blackmon the foregoing conference report was adopted by the following vote:

Yeas--Akins, Aldridge, Arinder, Bailey, Baker (8th), Baker (74th), Barnett Beckett, Bentz, Blackmon, Bounds, Broomfield, Brown, Buck, Burnett, Calhoun, Carlton Chism, Clark, Clarke, Coleman (29th), Coleman (65th), Compretta, Cummings, Davis Dedeaux, Denny, Dickson, Eaton, Ellington, Ellis, Espy, Fillingane, Flagg, Formby Franks, Fredericks, Gadd, Gibbs, Gregory, Hamilton (6th), Hamilton (109th), Harrison Hines, Holland, Hudson, Ishee, Janus, Jennings, Johnson, Lott, Malone, Markham Martinson, Masterson, Mayhall, Mayo, McBride, Middleton, Miles, Mims, Moak Montgomery, Moore, Morris, Moss, Nicholson, Parker, Patterson, Peranich, Perkins Read, Reed, Reynolds, Robinson (84th), Rogers (14th), Rogers (61st), Rotenberry

Scott, Shows, Simpson, Smith (59th), Smith (27th), Smith (39th), Snowden, Staples, Stevens, Stringer, Taylor, Thomas, Turner, Upshaw, Vince, Ward, Warren, Watson, Weathersby, Wells-Smith, Whittington, Woods, Young, Zuber, Mr. Speaker. Total—103.

Nays—Banks, Bondurant, Evans, Fleming, Green, Holloway, Myers, Reeves, Robinson (63rd), Straughter, Sullivan. Total—11.

Absent or those not voting—Capps, Frierson, Guice, Gunn, Horne, Rotenberry. Total—6.

Present—Huddleston. Total—1.

Vacancies—1.

Mr. Warren moved that the House concur in the Senate amendment to the following resolution:

H. C. R. No. 111: 2005 Regular Session; extend session, suspend deadlines for appropriation conference reports, and set date of sine die.

SENATE AMENDMENT NO. 1:

AMEND line 22 by striking "Sunday, April 3, 2005" and substituting in lieu thereof the following:

Tuesday, April 5, 2005

The House concurred in the foregoing amendment by the following vote:

Yeas—Akins, Aldridge, Arinder, Bailey, Baker (8th), Baker (74th), Banks, Barnett, Bentz, Blackmon, Bondurant, Bounds, Broomfield, Brown, Buck, Burnett, Calhoun, Carlton, Chism, Clark, Clarke, Coleman (29th), Coleman (65th), Compretta, Cummings, Davis, Dedeaux, Denny, Dickson, Eaton, Ellington, Ellis, Espy, Evans, Fillingane, Flaggs, Fleming, Formby, Fredericks, Frierson, Gadd, Gibbs, Green, Gregory, Guice, Gunn, Hamilton (6th), Hamilton (109th), Harrison, Hines, Holloway, Howell, Huddleston, Hudson, Ishee, Janus, Jennings, Johnson, Lott, Malone, Markham, Martinson, Masterson, Mayhall, Mayo, Middleton, Miles, Mims, Moak, Montgomery, Moore, Morris, Moss, Myers, Nicholson, Parker, Patterson, Peranich, Read, Reed, Reeves, Reynolds, Robinson (84th), Robinson (63rd), Rogers (14th), Rogers (61st), Rotenberry, Scott, Shows, Simpson, Smith (59th), Smith (27th), Smith (39th), Snowden, Staples, Stevens, Straughter, Stringer, Sullivan, Taylor, Thomas, Turner, Upshaw, Vince, Ward, Warren, Watson, Weathersby, Wells-Smith, Whittington, Woods, Young, Zuber, Mr. Speaker. Total—114.

Nays—Beckett, Franks, Holland, McBride, Perkins. Total—5.

Absent or those not voting—Capps, Horne. Total—2.

Vacancies—1.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. Speaker: The Committee on Enrolled Bills has found correctly enrolled the following entitled measures and now presents them for your signature:

H. C. R. No. 101: Charlie Capps; commend dedicated service upon retirement.

S. B. No. 2633: Health Savings Accounts Act; establish and exempt certain contributions from gross income.










S. B. No. 3013: Motor vehicle sales tax; revise exemption for transfers between family members (STC).

Mississippi Legislature 2014 Regular Session

House Bill 67

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Bill Text for All Versions **Explanation**

   *Approved by the Governor*
   *As Passed the House*
   *As Introduced*

Description: Special judges; revise compensation cap.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2014
Chapter Number: 407

History of Actions:

1	01/07	(H)	Referred To Judiciary A
2	01/28	(H)	Title Suff Do Pass
3	02/06	(H)	Passed H.R. 1
4	02/07	(H)	Transmitted To Senate
5	02/14	(S)	Referred To Judiciary, Division A; Appropriations
6	02/25	(S)	DR - TSDP: JA To AP
7	03/04	(S)	Title Suff Do Pass
8	03/06	(S)	Passed S.R. 1
9	03/07	(S)	Returned For Enrolling
10	03/12	(H)	Enrolled Bill Signed
11	03/12	(S)	Enrolled Bill Signed
12	03/19		Approved by Governor

Code Section: [A 009-0001-0105](#)

---- Additional Information ----

House Committee: [Judiciary A](#)

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House Bills

Measure #

Retrieve Measure

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2014

By: Representatives Baker, Baria,
Oberhousen, Reynolds, Hines, Moak

To: Judiciary A

HOUSE BILL NO. 67

1 AN ACT TO AMEND SECTION 9-1-105, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE MAXIMUM COMPENSATION ALLOWED FOR SPECIAL JUDGES; AND
3 FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 9-1-105, Mississippi Code of 1972, is
6 amended as follows:

7 9-1-105. (1) Whenever any judicial officer is unwilling or
8 unable to hear a case or unable to hold or attend any of the
9 courts at the time and place required by law by reason of the
10 physical disability or sickness of such judicial officer, by
11 reason of the absence of such judicial officer from the state, by
12 reason of the disqualification of such judicial officer pursuant
13 to the provision of Section 165, Mississippi Constitution of 1890,
14 or any provision of the Code of Judicial Conduct, or for any other
15 reason, the Chief Justice of the Mississippi Supreme Court, with
16 the advice and consent of a majority of the justices of the
17 Mississippi Supreme Court, may appoint a person as a special judge
18 to hear the case or attend and hold a court.



19 (2) Upon the request of the Chief Judge of the Court of
20 Appeals or the senior judge of a chancery or circuit court
21 district, or upon his own motion, the Chief Justice of the
22 Mississippi Supreme Court, with the advice and consent of a
23 majority of the justices of the Mississippi Supreme Court, shall
24 have the authority to appoint a special judge to serve on a
25 temporary basis in a circuit or chancery court in the event of an
26 emergency or overcrowded docket. It shall be the duty of any
27 special judge so appointed to assist the court to which he is
28 assigned in the disposition of causes so pending in such court for
29 whatever period of time is designated by the Chief Justice.

30 (3) When a vacancy exists for any of the reasons enumerated
31 in Section 9-1-103, the vacancy has not been filled within seven
32 (7) days by an appointment by the Governor, and there is a pending
33 cause or are pending causes in the court where the vacancy exists
34 that in the interests of justice and in the orderly dispatch of
35 the court's business require the appointment of a special judge,
36 the Chief Justice of the Supreme Court, with the advice and
37 consent of a majority of the justices of the Mississippi Supreme
38 Court, may appoint a qualified person as a special judge to fill
39 the vacancy until the Governor makes his appointment and such
40 appointee has taken the oath of office.

41 (4) If the Chief Justice pursuant to this section shall make
42 an appointment within the authority vested in the Governor by
43 reason of Section 165, Mississippi Constitution of 1890, the



44 Governor may at his election appoint a person to so serve. In the
45 event that the Governor makes such an appointment, any appointment
46 made by the Chief Justice pursuant to this section shall be void
47 and of no further force or effect from the date of the Governor's
48 appointment.

49 (5) When a judicial officer is unwilling or unable to hear a
50 case or unable or unwilling to hold court for a period of time not
51 to exceed two (2) weeks, the trial judge or judges of the affected
52 district or county and other trial judges may agree among
53 themselves regarding the appointment of a person for such case or
54 such limited period of time. The trial judges shall submit a
55 notice to the Chief Justice of the Supreme Court informing him of
56 their appointment. If the Chief Justice does not appoint another
57 person to serve as special judge within seven (7) days after
58 receipt of such notice, the person designated in such order shall
59 be deemed appointed.

60 (6) A person appointed to serve as a special judge may be
61 any currently sitting or retired chancery, circuit or county court
62 judge, Court of Appeals judge or Supreme Court Justice, or any
63 other person possessing the qualifications of the judicial office
64 for which the appointment is made; provided, however, that a judge
65 or justice who was retired from service at the polls shall not be
66 eligible for appointment as a special judge in the district in
67 which he served prior to his defeat.



68 (7) Except as otherwise provided in subsection (2) of this
69 section, the need for an appointment pursuant to this section may
70 be certified to the Chief Justice of the Mississippi Supreme Court
71 by any attorney in good standing or other officer of the court.

72 (8) The order appointing a person as a special judge
73 pursuant to this section shall describe as specifically as
74 possible the duration of the appointment.

75 (9) A special judge appointed pursuant to this section shall
76 take the oath of office, if necessary, and shall, for the duration
77 of his appointment, enjoy the full power and authority of the
78 office to which he is appointed.

79 (10) Any currently sitting justice or judge appointed as a
80 special judge under this section shall receive no additional
81 compensation for his or her service as special judge. Any other
82 person appointed as a special judge hereunder shall, for the
83 period of his service, receive compensation from the state for
84 each day's service a sum equal to 1/260 of the current salary in
85 effect for the judicial office; provided, however, that no retired
86 chancery, circuit or county court judge, retired Court of Appeals
87 judge or any retired Supreme Court Justice appointed as a special
88 judge pursuant to this section may, during any fiscal year,
89 receive compensation in excess of * * * fifty percent (50%) of the
90 current salary in effect for a chancery or circuit court judge.
91 Any person appointed as a special judge shall be reimbursed for
92 travel expenses incurred in the performance of the official duties



93 to which he may be appointed hereunder in the same manner as other
94 public officials and employees as provided by Section 25-3-41,
95 Mississippi Code of 1972.

96 (11) If any person appointed as such special judge is
97 receiving retirement benefits by virtue of the provisions of the
98 Public Employees' Retirement Law of 1952, appearing as Sections
99 25-11-1 through 25-11-139, Mississippi Code of 1972, such benefits
100 shall not be reduced in any sum whatsoever because of such
101 service, nor shall any sum be deducted as contributions toward
102 retirement under said law.

103 (12) The Supreme Court shall have authority to prescribe
104 rules and regulations reasonably necessary to implement and give
105 effect to the provisions of this section.

106 (13) Nothing in this section shall abrogate the right of
107 attorneys engaged in a case to agree upon a member of the bar to
108 preside in a case pursuant to Section 165 of the Mississippi
109 Constitution of 1890.

110 (14) The Supreme Court shall prepare the necessary payroll
111 for special judges appointed pursuant to this section and shall
112 submit such payroll to the Department of Finance and
113 Administration.

114 (15) Special judges appointed pursuant to this section shall
115 direct requests for reimbursement for travel expenses authorized
116 pursuant to this section to the Supreme Court and the Supreme
117 Court shall submit such requests to the Department of Finance and



118 Administration. The Supreme Court shall have the power to adopt
119 rules and regulations regarding the administration of travel
120 expenses authorized pursuant to this section.

121 **SECTION 2.** This act shall take effect and be in force from
122 and after July 1, 2014.



Mississippi House of Representatives
2014 Regular Session

H. B. No. 67 passed by the following vote:

Yeas--Alday, Aldridge, Anderson, Arnold, Bailey, Bain, Baker, Banks, Baria, Williams-Barnes, Barton, Beckett, Bell, Bennett, Blackmon, Bounds, Boyd, Brown (66th), Brown (20th), Burnett, Busby, Byrd, Calhoun, Campbell, Carpenter, Chism, Clark, Clarke, Cockerham, Coleman (29th), Coleman (65th), Crawford, Currie, DeBar, DeLano, Denny, Denton, Dickson, Dixon, Eaton, Ellis, Espy, Eure, Evans (91st), Evans (70th), Evans (43rd), Faulkner, Formby, Frierson, Gibbs, Gipson, Guice, Hamilton, Haney, Harrison, Hines, Holloway, Hood, Horan, Howell, Huddleston (15th), Huddleston (30th), Jackson, Jennings, Johnson, Kinkade, Ladner, Lamar, Lane, Lott, Malone, Martinson, Massengill, Mayo, McLeod, Mettetal, Middleton, Miles, Mims, Moak, Monsour, Moore, Morgan, Myers, Nelson, Oberhausen, Patterson, Perkins, Pigott, Powell, Read, Reynolds, Rogers (14th), Rogers (61st), Rushing, Shirley, Shows, Smith (27th), Smith (39th), Snowden, Staples, Steverson, Straughter, Stringer, Taylor, Thomas, Turner, Warren, Watson, Weathersby, White, Whittington, Willis, Wooten, Young, Zuber, Mr. Speaker. Total--117.

Nays--Scott. Total--1.

Absent or those not voting--Barker, Holland, Horne, Sullivan. Total--4.

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Mississippi State Senate
2014 Regular Session

YEAS AND NAYS On H. B. No. 67. On motion of Senator Hopson, the rules were suspended, the bill considered engrossed, read the third time and, the yeas and nays being taken, it passed, title standing as stated, by the following vote:

Yeas--Blount, Brown, Browning, Bryan, Burton, Butler A. (36th), Butler K. (38th), Carmichael, Chassaniol, Clarke, Collins, Dawkins, Doty, Fillingane, Frazier, Gandy, Gollott, Hale, Harkins, Hill, Hopson, Horhn, Hudson, Jackson G. (15th), Jackson R. (11th), Jackson S. (32nd), Jolly, Jones, Jordan, Kirby, Lee, Longwitz, Massey, McDaniel, Montgomery, Moran, Norwood, Parker, Parks, Polk, Simmons D. T. (12th), Simmons W. (13th), Smith, Sojourner, Stone, Tindell, Tollison, Turner, Ward, Watson, Wiggins, Wilemon. Total--52.

Nays--None.

Absent and those not voting----None.

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Mississippi Legislature 2018 Regular Session

Senate Bill 2044

[Senate Calendar](#) | [House Calendar](#) | [Main Menu](#)
[Code Sections](#) | [Additional Information](#)

Bill Text for All Versions **Explanation**

   *Approved by the Governor*
   *As Passed the Senate*
   *As Introduced*

Description: Special judges; expand authority of Chief Justice to appoint.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage
Chapter Number: 391

History of Actions:

1	01/03	(S)	Referred To Judiciary, Division A
2	01/23	(S)	Title Suff Do Pass
3	01/31	(S)	Passed
4	02/01	(S)	Transmitted To House
5	02/19	(H)	Referred To Judiciary A
6	02/27	(H)	Title Suff Do Pass
7	03/06	(H)	Read the Third Time
8	03/07	(H)	Passed
9	03/08	(H)	Returned For Enrolling
10	03/12	(S)	Enrolled Bill Signed
11	03/12	(H)	Enrolled Bill Signed
12	03/19		Approved by Governor

Code Section: [A 009-0001-0105](#)

---- Additional Information ----

Senate Committee: [Judiciary, Division A](#)

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House Bills

Measure #

Retrieve Measure

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2018

By: Senator(s) Fillingane

To: Judiciary, Division A

SENATE BILL NO. 2044

1 AN ACT TO AMEND SECTION 9-1-105, MISSISSIPPI CODE OF 1972, TO
2 EXPAND THE AUTHORITY OF THE CHIEF JUSTICE TO APPOINT SPECIAL
3 JUDGES TO SERVE IN COUNTY COURTS TO ADDRESS OVERCROWDED COUNTY
4 COURT DOCKETS AND TO CLARIFY THE DISCRETION OF THE CHIEF JUSTICE
5 TO DETERMINE THE TYPE OF CASELOAD TO BE HANDLED BY A SPECIAL
6 JUDGE; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 9-1-105, Mississippi Code of 1972, is
9 amended as follows:

10 9-1-105. (1) Whenever any judicial officer is unwilling or
11 unable to hear a case or unable to hold or attend any of the
12 courts at the time and place required by law by reason of the
13 physical disability or sickness of such judicial officer, by
14 reason of the absence of such judicial officer from the state, by
15 reason of the disqualification of such judicial officer pursuant
16 to the provision of Section 165, Mississippi Constitution of 1890,
17 or any provision of the Code of Judicial Conduct, or for any other
18 reason, the Chief Justice of the Mississippi Supreme Court, with
19 the advice and consent of a majority of the justices of the



Mississippi Supreme Court, may appoint a person as a special judge to hear the case or attend and hold a court.

(2) Upon the request of the Chief Judge of the Court of Appeals * * *, the senior judge of a chancery or circuit court district, the senior judge of a county court, or upon his own motion, the Chief Justice of the Mississippi Supreme Court, with the advice and consent of a majority of the justices of the Mississippi Supreme Court, shall have the authority to appoint a special judge to serve on a temporary basis in a circuit * * *, chancery or county court in the event of an emergency or overcrowded docket. It shall be the duty of any special judge so appointed to assist the court to which he is assigned in the disposition of causes so pending in such court for whatever period of time is designated by the Chief Justice. The Chief Justice, in his discretion, may appoint the special judge to hear particular cases, a particular type of case, or a particular portion of the court's docket.

(3) When a vacancy exists for any of the reasons enumerated in Section 9-1-103, the vacancy has not been filled within seven (7) days by an appointment by the Governor, and there is a pending cause or are pending causes in the court where the vacancy exists that in the interests of justice and in the orderly dispatch of the court's business require the appointment of a special judge, the Chief Justice of the Supreme Court, with the advice and consent of a majority of the justices of the Mississippi Supreme



45 Court, may appoint a qualified person as a special judge to fill
46 the vacancy until the Governor makes his appointment and such
47 appointee has taken the oath of office.

48 (4) If the Chief Justice pursuant to this section shall make
49 an appointment within the authority vested in the Governor by
50 reason of Section 165, Mississippi Constitution of 1890, the
51 Governor may at his election appoint a person to so serve. In the
52 event that the Governor makes such an appointment, any appointment
53 made by the Chief Justice pursuant to this section shall be void
54 and of no further force or effect from the date of the Governor's
55 appointment.

56 (5) When a judicial officer is unwilling or unable to hear a
57 case or unable or unwilling to hold court for a period of time not
58 to exceed two (2) weeks, the trial judge or judges of the affected
59 district or county and other trial judges may agree among
60 themselves regarding the appointment of a person for such case or
61 such limited period of time. The trial judges shall submit a
62 notice to the Chief Justice of the Supreme Court informing him of
63 their appointment. If the Chief Justice does not appoint another
64 person to serve as special judge within seven (7) days after
65 receipt of such notice, the person designated in such order shall
66 be deemed appointed.

67 (6) A person appointed to serve as a special judge may be
68 any currently sitting or retired chancery, circuit or county court
69 judge, Court of Appeals judge or Supreme Court Justice, or any



70 other person possessing the qualifications of the judicial office
71 for which the appointment is made; * * * however, * * * a judge or
72 justice who was retired from service at the polls shall not be
73 eligible for appointment as a special judge in the district in
74 which he served prior to his defeat.

75 (7) Except as otherwise provided in subsection (2) of this
76 section, the need for an appointment pursuant to this section may
77 be certified to the Chief Justice of the Mississippi Supreme Court
78 by any attorney in good standing or other officer of the court.

79 (8) The order appointing a person as a special judge
80 pursuant to this section shall describe as specifically as
81 possible the duration of the appointment.

82 (9) A special judge appointed pursuant to this section shall
83 take the oath of office, if necessary, and shall, for the duration
84 of his appointment, enjoy the full power and authority of the
85 office to which he is appointed.

86 (10) Any currently sitting justice or judge appointed as a
87 special judge under this section shall receive no additional
88 compensation for his or her service as special judge. Any other
89 person appointed as a special judge hereunder shall, for the
90 period of his service, receive compensation from the state for
91 each day's service a sum equal to $1/260$ ths of the current salary
92 in effect for the judicial office; * * * however, * * * no retired
93 chancery, circuit or county court judge, retired Court of Appeals
94 judge or any retired Supreme Court Justice appointed as a special



95 judge pursuant to this section may, during any fiscal year,
96 receive compensation in excess of fifty percent (50%) of the
97 current salary in effect for a chancery or circuit court judge.
98 Any person appointed as a special judge shall be reimbursed for
99 travel expenses incurred in the performance of the official duties
100 to which he may be appointed hereunder in the same manner as other
101 public officials and employees as provided by Section 25-3-41,
102 Mississippi Code of 1972.

103 (11) If any person appointed as such special judge is
104 receiving retirement benefits by virtue of the provisions of the
105 Public Employees' Retirement Law of 1952, appearing as Sections
106 25-11-1 through 25-11-139, Mississippi Code of 1972, such benefits
107 shall not be reduced in any sum whatsoever because of such
108 service, nor shall any sum be deducted as contributions toward
109 retirement under said law.

110 (12) The Supreme Court shall have authority to prescribe
111 rules and regulations reasonably necessary to implement and give
112 effect to the provisions of this section.

113 (13) Nothing in this section shall abrogate the right of
114 attorneys engaged in a case to agree upon a member of the bar to
115 preside in a case pursuant to Section 165 of the Mississippi
116 Constitution of 1890.

117 (14) The Supreme Court shall prepare the necessary payroll
118 for special judges appointed pursuant to this section and shall



119 submit such payroll to the Department of Finance and
120 Administration.

121 (15) Special judges appointed pursuant to this section shall
122 direct requests for reimbursement for travel expenses authorized
123 pursuant to this section to the Supreme Court and the Supreme
124 Court shall submit such requests to the Department of Finance and
125 Administration. The Supreme Court shall have the power to adopt
126 rules and regulations regarding the administration of travel
127 expenses authorized pursuant to this section.

128 **SECTION 2.** This act shall take effect and be in force from
129 and after its passage.



Mississippi State Senate
2018 Regular Session

YEAS AND NAYS On S. B. No. 2044. On motion of Senator Hopson, the rules were suspended, the bill considered engrossed, read the third time and, the yeas and nays being taken, it passed, title standing as stated, by the following vote:

Yeas--Barnett, Blackmon, Blackwell, Blount, Branning, Browning, Bryan, Burton, Butler, Carmichael, Carter, Caughman, Chassaniol, Clarke, Dawkins, DeBar, Dearing, Doty, Fillingane, Frazier, Gollott, Harkins, Hill, Hopson, Horhn, Hudson, Jackson G. (15th), Jackson R. (11th), Jackson S. (32nd), Jolly, Jordan, Kirby, Massey, McDaniel, McMahan, Michel, Moran, Norwood, Parker, Parks, Polk, Seymour, Simmons D. T. (12th), Simmons W. (13th), Tollison, Turner-Ford, Watson, Whaley, Wiggins, Wilemon, Witherspoon, Younger. Total--52.

Nays--None.

Absent and those not voting----None.

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Mississippi House of Representatives
2018 Regular Session

S. B. No. 2044 passed by the following vote:

Yeas--Aguirre, Anderson, Arnold, Bailey, Bain, Baker, Banks, Baria, Barnett, Barton, Beckett, Bell (65th), Bell (21st), Bennett, Blackmon, Bomgar, Bounds, Boyd, Brown, Burnett, Busby, Byrd, Calhoun, Carpenter, Chism, Clark, Clarke, Cockerham, Crawford, Criswell, Currie, DeLano, Denny, Denton, Dixon, Dortch, Eubanks, Eure, Evans (91st), Evans (45th), Faulkner, Ford, Foster, Gibbs (72nd), Gibbs (36th), Gipson, Guice, Hale, Haney, Hines, Holland, Holloway, Hood, Hopkins, Horan, Horne, Huddleston (15th), Hudson, Hughes, Jackson, Johnson (87th), Johnson (94th), Karriem, Kinkade, Ladner, Lamar, Mangold, Massengill, McGee, McLeod, McNeal, Mettetal, Mickens, Middleton, Miles, Mims, Morgan, Oliver, Paden, Patterson, Perkins, Pigott, Powell, Read, Reynolds, Roberson, Rogers (14th), Rogers (61st), Rushing, Sanford, Scoggin, Scott, Shirley, Smith, Snowden, Staples, Steverson, Straughter, Sullivan, Sykes, Taylor, Thomas, Touchstone, Turner, Walker, Watson, Weathersby, White, Wilkes, Willis, Wilson, Wooten, Young, Zuber, Mr. Speaker. Total--115.

Nays--None.

Absent or those not voting--Williams-Barnes, Corley, Henley, Myers, Tullos. Total--5.

Vacancies--2.

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Mississippi Legislature 2023 Regular Session

Senate Bill 2889

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[Amendments](#) | [Additional Information](#)

Bill Text for All Versions **Explanation**

  *As Passed the Senate*
  *Committee Substitute*
  *As Introduced*

Description: Mississippi Capitol Region Utility Act; create.

Fiscal Note: No fiscal note conducted









Background Information:

Disposition: **Dead**
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: ** See Text

History of Actions:

- 1 01/16 (S) Referred To Economic and Workforce Development
- 2 01/24 (S) Title Suff Do Pass Comm Sub
- 3 02/07 (S) Committee Substitute Adopted
- 4 02/07 (S) Amended
- 5 02/07 (S) Passed As Amended [\[Vote\]](#)
- 6 02/07 (S) Motion to Reconsider Entered
- 7 02/08 (S) Motion to Reconsider Tabled
- 8 02/09 (S) Transmitted To House
- 9 02/14 (H) Referred To Public Utilities
- 10 02/28 (H) Title Suff Do Pass As Amended
- 11 03/08 (H) Died On Calendar

Amendments:

  [S] Amendment No 1 (Cmte Sub) **Adopted** *Voice Vote*
  [S] Amendment No 1 to Amendment No 1 (Cmte Sub) **Adopted** *Voice Vote*
  [S] Amendment No 2 (Cmte Sub) **Not Germane**
  [H] Committee Amendment No 1 **Pending**

----- Additional Information -----

Senate Committee: [Economic and Workforce Development](#)

House Committee: [Public Utilities](#)

Principal Author: [Parker](#)

Title: AN ACT TO CREATE THE MISSISSIPPI CAPITOL REGION UTILITY ACT; TO ESTABLISH THE MISSISSIPPI CAPITOL REGION UTILITY AUTHORITY; TO PROVIDE FOR THE APPOINTMENT OF A PRESIDENT AND A BOARD OF DIRECTORS FOR SUCH AUTHORITY; TO CLARIFY THE POWERS

6/5/23, 11:08 AM

SB 2889 - History of Actions/Background

AND DUTIES OF SUCH BOARD; TO ENSURE ACCESS TO SAFE, CLEAN AND RELIABLE WATER FOR THE CITIZENS OF CENTRAL MISSISSIPPI; AND FOR RELATED PURPOSES.

Information pertaining to this measure was last updated on 03/13/2023 at 06:53

End Of Document

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2023

By: Senator(s) Parker

To: Economic and Workforce
Development

SENATE BILL NO. 2889
(As Passed the Senate)

1 AN ACT TO CREATE THE MISSISSIPPI CAPITOL REGION UTILITY ACT;
2 TO ESTABLISH THE MISSISSIPPI CAPITOL REGION UTILITY AUTHORITY; TO
3 PROVIDE FOR THE APPOINTMENT OF A PRESIDENT AND A BOARD OF
4 DIRECTORS FOR SUCH AUTHORITY; TO CLARIFY THE POWERS AND DUTIES OF
5 SUCH BOARD; TO ENSURE ACCESS TO SAFE, CLEAN AND RELIABLE WATER FOR
6 THE CITIZENS OF CENTRAL MISSISSIPPI; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** This act shall be known and may be cited as the
9 "Mississippi Capitol Region Utility Act."

10 **SECTION 2.** (1) The Mississippi Legislature finds the
11 following:

12 (a) For the benefit of the citizens centrally located
13 in the State of Mississippi, including citizens residing or
14 working in the capital city of the State of Mississippi, it is
15 essential to have access to safe, clean and reliable water,
16 wastewater and storm water systems at affordable, regulated rates
17 which are just, reasonable and provide an adequate amount of
18 capital to keep such systems in good repair;

19 (b) The availability of safe, clean and reliable water,
20 wastewater and storm water has vast impacts on health, schools and



21 academic outcomes, crime and safety, state and local government
22 operations, businesses and economic development, the availability
23 of a workforce, tourism and many other critical areas;

24 (c) The availability of safe, clean and reliable water,
25 wastewater and storm water systems requires significant financial
26 resources and human capital to engage in the planning,
27 acquisition, construction, maintenance, coordination and operation
28 required to deliver transparent and efficient services which meet
29 and exceed federal and state regulations and requirements;

30 (d) On November 29, 2022, the Department of Justice
31 filed a complaint alleging that the City of Jackson has failed to
32 provide drinking water that is reliably compliant with the Safe
33 Drinking Water Act to citizens within the boundaries of the water
34 system. The Department of Justice simultaneously filed a proposal
35 which would appoint a receiver, or an interim third-party manager,
36 to stabilize the City of Jackson's public drinking water system
37 and build confidence in the water system's ability to supply safe,
38 clean and reliable water to citizens within the boundaries of the
39 water system. The U.S. District Court for the Southern District
40 of Mississippi appointed a receiver to oversee and operate the
41 water system on November 29, 2022.

42 (e) The receiver appointed by the U.S. District Court
43 for the Southern District of Mississippi provided in his January
44 27, 2023, plan for the water system that he would like a concept
45 for future governance in place by September 30, 2023, and a



46 utility authority or corporate nonprofit entity are viable options
47 for the concept of future governance;

48 (f) The creation and organization of a structure for
49 future governance requires legislation for it to continue in
50 perpetuity beyond the eventual end of the receiver's work and
51 related federal court orders; and

52 (g) The creation and organization of a structure for
53 future governance prior to the date of the conclusion of the
54 receiver's work will allow the best opportunity for minimal
55 disruption in water, wastewater and storm water service and
56 maximum ease of transition after the receiver has concluded his
57 work in overseeing and operating the water system.

58 (2) Therefore, it is the intent of the Mississippi
59 Legislature to:

60 (a) Provide authority to the Mississippi Capitol Region
61 Utility Authority to transfer water, wastewater and storm water
62 services provided by the City of Jackson to the utility
63 authority's ownership, management and control when the
64 court-appointed receiver's work concludes with the water system to
65 ensure all citizens have access to safe, clean and reliable water,
66 wastewater and storm water systems at affordable, regulated rates
67 which are just, reasonable and provide an adequate amount of
68 capital to keep such systems in good repair; and

69 (b) Partner with the Mississippi Department of Health,
70 Mississippi Department of Environmental Quality, local



71 governments, including the City of Jackson, within the boundaries
72 of the utility district, and any other federal, state or local
73 entity in taking any action necessary under this act to ensure all
74 citizens have access to safe, clean and reliable water, wastewater
75 and storm water systems, with the understanding that federal and
76 state agencies are solely responsible for regulating, but not
77 operating, the utility authority.

78 **SECTION 3.** As used in this act, the following words and
79 phrases have the meanings ascribed herein, unless the context
80 clearly indicates otherwise:

81 (a) "Act" means the Mississippi Capitol Region Utility
82 Act.

83 (b) "Board" means the Board of Directors of the
84 Mississippi Capitol Region Utility Authority.

85 (c) "Bonds" means revenue bonds and other certificates
86 of indebtedness of the authority issued under the provisions of
87 this act.

88 (d) "Fiscal year" means the period of time beginning on
89 July 1 of each year and ending on June 30 of each year.

90 (e) "Major procurement" means the procurement of any
91 good or service in excess of One Million Dollars (\$1,000,000.00).

92 (f) "Municipality" means any incorporated city, town or
93 village of the State of Mississippi, whether operating under
94 general law or special charter.



95 (g) "Person" means the State of Mississippi, a county,
96 a municipality, any state agency or any other city, town, village
97 or political subdivision or governmental agency or instrumentality
98 of the State of Mississippi or of the United States of America, or
99 any private utility, individual, copartnership, association, firm,
100 trust, estate or any other entity whatsoever.

101 (h) "Project" means the construction, development or
102 acquisition by the utility authority of any infrastructure for
103 water, wastewater and storm water systems or services and includes
104 upgrading or repair of existing systems.

105 (i) "Public agency" means any county, municipality,
106 state board or utility authority owning or operating properties,
107 districts created pursuant to the general laws or local and
108 private laws of the State of Mississippi, or any other political
109 subdivision of the State of Mississippi possessing the power to
110 own and operate waterworks, water supply systems, sewerage
111 systems, sewage treatment systems or other facilities or systems
112 for the collection, transportation and treatment of water,
113 wastewater, and storm water.

114 (j) "Receiver" means the interim third-party manager
115 for the water system owned by the City of Jackson who was
116 appointed by the U.S. District Court for the Southern District of
117 Mississippi on November 29, 2022, to oversee and operate the water
118 system during the negotiation of a consent decree related to
119 compliance with the Safe Drinking Water Act and other laws.



(k) "Storm water" means any flow occurring during or following any form of natural precipitation and resulting from that precipitation.

(l) "System" or "systems" means any plants, structures, facilities and other real and personal property used or useful in the generation, storage, transportation or supply of water, and the collection, transportation, treatment or disposal of wastewater and storm water, including tanks, lakes, streams, ponds, pipes, trunk lines, mains, sewers, conduits, pipelines, pumping and ventilating stations, plants, works, connections and any other real or personal property and rights therein necessary, useful or convenient for the purposes of the utility board or authorities in connection therewith.

(m) "Utility authority" shall mean the Mississippi Capitol Region Utility Authority.

(n) "Wastewater" means water being disposed of by any person and which is contaminated with waste or sewage, including industrial, municipal, and any other wastewater that may cause impairment of the quality of waters in the state.

(o) "Water" means potable water, surface water and groundwater.

SECTION 4. (1) There is hereby created and established a corporate nonprofit known as the Mississippi Capitol Region Utility Authority. The authority will be composed of geographic areas receiving water, wastewater and storm water services from



145 the City of Jackson as of the date of enactment of this act for
146 the planning, acquisition, construction, maintenance, operation
147 and coordination of water, wastewater and storm water systems in
148 order to ensure the delivery of water, wastewater and storm water
149 services to citizens. Such utility authority is created solely to
150 accomplish the purposes of the State under this act and the
151 exercise by the utility authority of the powers conferred by this
152 act shall be deemed and held to be the performance of an essential
153 public function promoting the health, welfare and prosperity of
154 the general public. It is the intent of the Legislature that the
155 utility authority shall be accountable to ratepayers within the
156 systems through the audits, reports and disclosures required by
157 this act.

158 (2) The existence of the corporate nonprofit utility
159 authority, which shall be domiciled in the State of Mississippi,
160 shall begin upon the appointment of a majority of its board as
161 provided in Section 5 of this act.

162 (3) The utility authority shall assume ownership, management
163 and control over the water, wastewater and storm water systems on
164 the date of termination of the receiver by the U.S. District Court
165 for the Southern District of Mississippi.

166 (4) In the event of any action or matter against the utility
167 authority, the Chief Justice of the Mississippi Supreme Court
168 shall select an appropriate Circuit or Chancery Court, which shall



169 have exclusive jurisdiction over the matter. For purposes of
170 court costs, the utility authority shall be a private corporation.

171 (5) All funds provided by the federal government in H.R.
172 2617, the Consolidated Appropriations Act of 2023, and any other
173 funds provided by the state or federal government in response to
174 the water crisis detailed by the U.S. District Court for the
175 Southern District of Mississippi in Case No. 3:22-cv-00686, *United*
176 *States v. City of Jackson*, shall be spent according to the
177 direction of the receiver and federal court within the service
178 territory impacted by the water crisis and in accordance with
179 federal law.

180 **SECTION 5.** (1) The affairs of the utility authority shall
181 be administered by the Mississippi Capitol Region Utility
182 Authority Board of Directors. The board shall be composed of nine
183 (9) members to be selected as follows: the Mayor of the City of
184 Jackson, with the advice and consent of the Senate, shall appoint
185 four (4) members. The Governor, with the advice and consent of
186 the Senate, shall appoint three (3) members. The Governor shall
187 consult with the City of Byram to appoint one (1) of the three (3)
188 appointments, so long as the City of Byram is included within the
189 boundaries of the systems. The Lieutenant Governor, with the
190 advice and consent of the Senate, shall appoint two (2) members.
191 The Lieutenant Governor shall consult with the Mayor of the City
192 of Ridgeland to appoint one (1) of their two (2) appointments, so
193 long as the City of Ridgeland is included within the boundaries of



194 the systems. All members shall be appointed within sixty (60)
195 days of the enactment of this act.

196 In the appointment process, appointing authorities shall
197 attempt to see that all portions of society and its diversity are
198 represented in members of the utility authority. All appointed
199 members must be residents of the State of Mississippi, must be
200 ratepayers within the system boundaries, and must have
201 significant, demonstrated experience in business management,
202 fiscal affairs, public health or public utilities.

203 (2) The initial terms of the board of directors shall be as
204 follows: One (1) member appointed by the Mayor of the City of
205 Jackson shall serve for an initial term of four (4) years. One
206 (1) member appointed by the Mayor of the City of Jackson shall
207 serve for an initial term of three (3) years. One (1) member
208 appointed by the Mayor of the City of Jackson shall serve for an
209 initial term of two (2) years. One (1) member appointed by the
210 Mayor of the City of Jackson shall serve for an initial term of
211 one (1) year. The Governor shall appoint one (1) member for a
212 term of four (4) years, one (1) member for a term of three (3)
213 years, and one (1) member for a term of two (2) years. The
214 Lieutenant Governor shall appoint one (1) member for a term of
215 four (4) years and one (1) member for a term of three (3) years.

216 (3) Except as provided in Subsection 2 of this section,
217 appointments shall be for a term of four (4) years. Each member
218 shall hold office until his successor has been appointed and



219 qualified. Vacancies shall be filled by appointment by the
220 appropriate appointing authority, subject to the advice and
221 consent of the Senate, for the length of the unexpired term only.
222 Any member of the utility authority shall be eligible for
223 reappointment for a maximum of two (2) full terms. Each member of
224 the utility authority shall, before entering upon his duty, take
225 an oath of office to administer the duties of his office
226 faithfully and impartially, and a record of such oath shall be
227 filed in the Office of the Secretary of State. The utility
228 authority shall annually elect from its membership a chairman and
229 vice chairman who shall be eligible for reelection. The utility
230 authority shall also elect or appoint, and prescribe the duties
231 of, such other officers, who need not be members, as the utility
232 authority deems necessary or advisable and the utility authority
233 shall fix the compensation of such officers. The utility
234 authority may delegate to one or more of its members, officers,
235 employees or agents such powers and duties as it may deem proper,
236 not inconsistent with this article or other provisions of law.

237 (4) The members of the utility authority shall serve without
238 salary, but shall be entitled to receive per diem pay as provided
239 in Section 25-3-69, plus travel and necessary expenses, including
240 mileage, as provided in Section 25-3-41, incurred while in the
241 performance of his or her duties as a member of the board of
242 directors of the utility authority upon authorization by the
243 board. Expenses shall be paid from the available funds of the



utility authority after the utility authority assumes ownership, management and control of the water, wastewater and storm systems as provided in this act. Until the date the utility authority assumes ownership, management and control of the water, wastewater and stormwater systems as provided in this act, expenses shall be paid by the State of Mississippi.

(5) All meetings of the board shall be subject to the Open Meetings Act in Section 25-41-1 et seq. The chairman or a majority of members of the utility authority may convene the board for a meeting.

(6) Except as may be provided by law, all records of the utility authority shall be deemed public records and subject to public inspection as provided by Section 25-61-1 et seq.

(7) The board may by majority vote excuse the absence of any member of the board. In the event that any member of the board is absent for two (2) board meetings in a twelve-month period without such absences being excused by the board, his or her membership on the board shall be terminated as a function of law, without any action by the board, and the removed member of the board shall be ineligible for reappointment to the board. The original appointing authority shall retain their right to appoint a new board member to replace the removed board member.

(8) No employee of the utility authority shall be a member of the board.



(9) Until such time that the utility district assumes ownership, management, and control of the water, wastewater and storm water systems, the board shall cooperate and coordinate with the receiver in order to provide the best opportunity for minimal disruption in service and maximum ease of transition after the receiver has concluded his work in overseeing and operating the water system.

SECTION 6. (1) The utility authority shall consult with the receiver and the City of Jackson in appointing a president by January 1, 2024, who shall serve at the will and pleasure of the board. If the utility authority does not have ownership, management, and control of the water, wastewater and storm water systems by the date of the appointment of a president, the State of Mississippi shall pay the salary of the president on a bimonthly basis. The president shall manage the daily affairs of the utility authority and shall have such powers and duties as specified by this act, by the board, and any rules or regulations adopted by the board. The president shall not be a member of the board. The president shall serve at the will and pleasure of the board.

(2) Until such time that the utility district assumes ownership, management, and control of the water, wastewater and storm water systems, the president shall cooperate and coordinate with the receiver in order to provide the best opportunity for minimal disruption in service and maximum ease of transition after



293 the receiver has concluded his work in overseeing and operating
294 the water system.

295 (3) The president shall employ such personnel as he or she
296 deems necessary. All personnel shall serve at the will and
297 pleasure of the president, unless otherwise specified by the
298 president.

299 (4) The board shall set the salary of the president at such
300 level as is necessary to recruit and retain a qualified
301 professional with the expertise necessary in a public utility.
302 The board may authorize whatsoever incentive compensation program
303 for the president and utility authority staff as it deems
304 necessary and proper. The utility authority shall be exempt from
305 the provisions of Section 25-3-39.

306 **SECTION 7.** (1) The utility authority shall have the power,
307 duty and responsibility to exercise general supervision over the
308 design, construction, operation and maintenance of water,
309 wastewater and storm water systems.

310 (2) The utility authority shall adopt rules and regulations
311 regarding the design, construction or installation, operation and
312 maintenance of water, wastewater and storm water systems.

313 (3) The utility authority shall adopt rules and regulations
314 regarding the use of decentralized treatment systems, individual
315 on-site wastewater treatment systems and centralized wastewater
316 treatment systems.



317 (4) The utility authority shall adopt rules establishing
318 performance standards for water, wastewater and storm water
319 systems and the operation and maintenance of the same. Such rules
320 and regulations shall include the implementation of a standard
321 application form for the installation, operation and maintenance
322 of such systems; application review; approval or denial procedures
323 for any proposed system; inspection, monitoring and reporting
324 guidelines; and enforcement procedures.

325 (5) (a) Before a building or development which requires the
326 installation of a water, wastewater or storm water system is
327 constructed, the system must be submitted to the utility authority
328 for certification that the system complies with the utility
329 authority requirements for such system.

330 (b) Before approving or renewing a water, wastewater or
331 storm water related permit for a system within a utility
332 authority, the state agency must require certification that the
333 system complies with the requirements of the utility authority.

334 (6) Any system of any municipality, public agency or other
335 persons which contracts with a utility authority shall be subject
336 to the terms of that contract and the terms of this act.

337 (7) Notwithstanding the provisions of Section 51-39-1 et
338 seq., the utility authority shall have the full power to adopt
339 rules and regulations and to construct, maintain, lease and
340 operate facilities for the control of storm water quality and
341 quantity. In addition, the provisions of Section 51-33-1 relating



342 to drainage districts and flood control districts do not apply to
343 the utility authority.

344 (8) The utility authority may control and operate the local
345 retail water, wastewater or storm water services and may provide
346 or be responsible for direct servicing of those services to
347 residences, businesses and individuals; however, the utility
348 authority shall not provide the same service in an area provided
349 by a public utility or person holding a certificate of public
350 convenience and necessity issued by the Mississippi Public Service
351 Commission for the provision of such services in the certificated
352 area.

353 (9) The utility authority shall enter into contracts for
354 major procurements after bidding. The utility authority may adopt
355 administrative rules and regulations pursuant to the provisions of
356 this act providing for special procedures whereby the utility
357 authority may make any class of procurement.

358 (10) In its bidding processes, the utility authority may do
359 its own bidding and procurement or may utilize the services of the
360 Department of Finance and Administration, the Department of
361 Information Technology Services or other state agencies as
362 appropriate and necessary.

363 (11) The utility authority shall only have oversight or
364 control of wastewater service provided to ratepayers in the City
365 of Ridgeland, which is only served by the wastewater system as of
366 the effective date of this act. To maintain consistency with the



agreement in place with the City of Jackson prior to the existence of the utility authority, the City of Ridgeland shall have control over its rate structure, with the City of Ridgeland compensating the utility authority for its prorated share of wastewater conveyance, treatment, capital improvements and debt service.

SECTION 8. (1) The utility authority, in addition to any other powers granted under any other provision of law is authorized:

(a) To acquire, construct, improve, enlarge, extend, repair, operate and maintain one or more of its systems used for the collection, transportation, treatment and disposal of water, wastewater and storm water;

(b) To make contracts with any person in furtherance thereof; and to make contracts with any person, under the terms of which the utility authority will collect, transport, treat or dispose of water, wastewater and storm water for such person, and to cancel any contracts existing as of the date of enactment of this act;

(c) To make contracts with any person to design and construct any water, wastewater and storm water systems or facilities, and thereafter to purchase, lease or sell, by installments over such terms as may be deemed desirable, reasonable and necessary, or otherwise, any such system or systems;



391 (d) To enter into operating agreements with any person,
392 for such terms and upon such conditions as may be deemed
393 desirable, for the operation of any water, wastewater and storm
394 water systems; and the utility authority may lease to or from any
395 person, for such term and upon such conditions as may be deemed
396 desirable, any water, wastewater and storm water collection,
397 transportation, treatment or its other facilities or systems. Any
398 such contract may contain provisions requiring any public agency
399 or other person to regulate the quality and strength of materials
400 to be handled by the respective system or systems and also may
401 provide that the utility authority shall have the right to use any
402 streets, alleys and public ways and places within the jurisdiction
403 of a public agency or other person during the term of the
404 contract;

405 (e) To enter into contracts with any person or any
406 public agency, including, but not limited to, contracts authorized
407 by this act, in furtherance of any of the purposes authorized
408 under this act upon such consideration as the board of directors
409 and such person may agree. Any such contract may extend over any
410 period of time, notwithstanding any provision or rule of law to
411 the contrary; may be upon such terms and for such consideration,
412 nominal or otherwise, as the parties thereto shall agree; and may
413 provide that it shall continue in effect until bonds specified
414 therein, refunding bonds issued in lieu of such bonds, and all
415 other obligations specified therein are paid or terminated. Any



416 such contract shall be binding upon the parties thereto according
417 to its terms;

418 (f) To sue and be sued, in its own name, and to enjoy
419 all of the protections, immunities and benefits provided by the
420 Mississippi Tort Claims Act, Section 11-46-1 et seq., as it may be
421 amended or supplemented from time to time;

422 (g) To maintain office space at such place or places
423 within the utility authority's boundaries as it may determine;

424 (h) To invest money of the utility authority, including
425 proceeds from the sale of any bonds subject to any agreements with
426 bondholders, on such terms and in such manner as the utility
427 authority deems proper;

428 (i) To pay any outstanding City of Jackson bonds
429 relating to the water and sewer systems under their existing
430 terms;

431 (j) To require the necessary relocation or rerouting of
432 roads and highways, railroad, telephone and telegraph lines, and
433 properties, electric power lines, gas pipelines and related
434 facilities, or to require the anchoring or other protection of any
435 of these, provided fair compensation is first paid to the owners
436 or an agreement with such owners regarding the payment of the cost
437 of such relocation, and to acquire easements or rights-of-way for
438 such relocation or rerouting and to convey the same to the owners
439 of the property being relocated or rerouted in connection with the
440 purposes of this act. This provision shall be in accordance with



Mississippi Constitution Article 17A, Section 11-27-30, and House Bill No. 1769 as passed during the 2022 Legislative Session;

(k) To acquire, construct, improve or modify, to operate or cause to be operated and maintained, either as owner of all or of any part in common with others, any water, wastewater or storm water system within the utility authority's service area.

The utility authority may pay all or part of the cost of any system from any contribution by persons, firms, public agencies or corporations. The utility authority may receive, accept and use all funds, public or private, and pay all costs of the development, implementation and maintenance as may be determined as necessary for any project;

(l) To acquire, in its own name, by purchase on any terms and conditions and in any manner as it may deem proper, property for public use, or by gift, grant, lease, or otherwise, real property or easements therein, franchises and personal property necessary or convenient for its corporate purposes. This provision shall be in accordance with Mississippi Constitution Article 17A, Section 11-27-30, and House Bill No. 1769 as passed during the 2022 Legislative Session;

(m) To acquire insurance for the utility authority's systems, facilities, buildings, treatment plants and all property, real or personal, to insure against all risks as any insurance may, from time to time, be available;



465 (n) To use any property and rent or lease any property
466 to or from others, including public agencies, or make contracts
467 for the use of the property. The utility authority may sell,
468 lease, exchange, transfer, assign, pledge, mortgage or grant a
469 security interest for any property. The powers to acquire, use
470 and dispose of property as set forth in this paragraph shall
471 include the power to acquire, use and dispose of any interest in
472 that property, whether divided or undivided. Title to any
473 property of the utility authority shall be held by the utility
474 authority exclusively for the benefit of the public;

475 (o) To apply, contract for, accept, receive and
476 administer gifts, grants, appropriations and donations of money,
477 materials and property of any kind, including loans and grants
478 from the United States, the state, a unit of local government, or
479 any agency, department, district or instrumentality of any of the
480 foregoing, upon any terms and conditions as the United States, the
481 state, a unit of local government, or any agency, department,
482 district or instrumentality shall impose. The utility authority
483 may administer trusts. The utility authority may sell, lease,
484 transfer, convey, appropriate and pledge any and all of its
485 property and assets;

486 (p) To make and enforce, and from time to time amend
487 and repeal, bylaws, rules, ordinances and regulations for the
488 management of its business and affairs and for the construction,



489 use, maintenance and operation of any of the systems under its
490 management and control;

491 (q) To employ and terminate staff and other personnel,
492 including attorneys, engineers and consultants as may be necessary
493 to the functioning of the utility authority;

494 (r) To establish and maintain rates, fees and any other
495 charges for services and the use of systems and facilities within
496 the control of the utility authority, and from time to time, to
497 adjust such rates, fees and any other charges to the end that the
498 revenues therefrom will be sufficient at all times to pay the
499 expenses of operating and maintaining of the facilities and
500 treatment systems and all of the persons' obligations under any
501 contract or bonds resolution with respect thereto or any
502 obligation of any person under any agreement, contract, indenture
503 or bonds resolution with respect thereto. Such rates, fees,
504 assessments and any other charges shall be subject to the
505 jurisdiction of the Mississippi Public Service Commission. Such
506 rates, fees, assessments or any other charges shall be equal as
507 levied on citizens throughout the utility authority's boundaries.
508 For purposes of Section 77-3-33, the rates charged by the utility
509 authority shall be just and reasonable if they are adequate to
510 provide safe and reliable water, wastewater and storm water
511 service to its customers, including providing an adequate amount
512 of capital for the utility authority to perform such repairs,
513 upgrades and improvements as it deems necessary on an ongoing



514 basis. The Mississippi Public Service Commission shall defer to
515 the utility authority's determination of what rates are just and
516 reasonable absent a showing of manifest error;

517 (s) To adopt rules and regulations necessary to
518 accomplish the purposes of the utility authority and to assure the
519 payment of each participating person or public agency of its
520 proportionate share of the costs for use of any of the systems and
521 facilities of the utility authority and for the utility
522 authority's proportionate share of the costs of the board;

523 (t) To enter on public or private lands, waters or
524 premises for the purpose of making surveys, borings or soundings,
525 or conducting tests, examinations or inspections for the purposes
526 of the authority, subject to responsibility for any damage done to
527 property entered;

528 (u) To accept industrial wastewater from within the
529 boundaries of the utility authority for treatment and to require
530 the pretreatment of same when, in the opinion of the utility
531 authority, such pretreatment is necessary;

532 (v) To control and operate local retail water,
533 wastewater and storm water services, and may provide or be
534 responsible for direct servicing of those services to residences,
535 businesses and individuals; however, the utility authority shall
536 not provide the same services in an area provided by a public
537 utility or person holding a certificate of public convenience and



538 necessity issued by the Mississippi Public Service Commission for
539 the provision of such services in the certificated area;

540 (w) To assume control and administer, within the
541 utility authority's jurisdiction, any water, wastewater or storm
542 water system or systems by agreement or contract with any person
543 if the person providing such services requests to be relieved of
544 that responsibility. However, the person may maintain control
545 over connections in their service areas and may charge rates, fees
546 and any other charges in addition to the rates, fees and any
547 charges of the utility authority;

548 (x) To acquire property designated by plan to
549 sufficiently accommodate the location of water, wastewater or
550 storm water systems and such requirements related directly thereto
551 pursuant to the provisions of Title 11, Chapter 27, Mississippi
552 Code of 1972. The utility authority may acquire property
553 necessary for any system and the exercise of the powers, rights
554 and duties conferred upon the utility authority by this act. No
555 person owning the drilling rights or the right to share in
556 production shall be prevented from exploring, developing or
557 producing oil or gas with necessary rights-of-way for ingress and
558 egress, pipelines and other means of transporting such interests
559 on any lands or interest of the utility authority held or used for
560 the purposes of this act, but any such activities shall be subject
561 to reasonable regulations by the board of directors that will
562 adequately protect the systems or projects of the utility



563 authority. This provision shall be in accordance with Mississippi
564 Constitution Article 17A and House Bill No. 1769 as passed during
565 the 2022 Legislative Session;

566 (y) To use any legally available funds to acquire,
567 rebuild, operate and maintain any existing water, wastewater or
568 storm water systems owned or operated by any person;

569 (z) To refuse to receive water, wastewater or storm
570 water from any public agency or person, except with regard to
571 municipalities or other areas within the service territory of the
572 systems as of the effective date of this act;

573 (aa) So long as any indebtedness on the systems of the
574 utility authority remains outstanding, to require a member public
575 agency, or other person, that all water, wastewater and storm
576 water within the boundaries of the respective utility authority be
577 disposed of through the appropriate treatment system to the extent
578 that the same may be available, but no public agency shall be
579 precluded from constructing, operating and maintaining its own
580 such system after the current indebtedness owing on the system as
581 of the date of enactment of this act, is paid in full; and

582 (bb) To adopt a seal and a symbol, and hold patents,
583 copyrights, trademarks, and service marks and enforce its rights
584 with respect thereto.

585 (3) The utility authority shall:

586 (a) Submit annual reports to the Governor, Lieutenant
587 Governor, Speaker of the House of Representatives, State Auditor,



588 Joint Legislative Committee on Performance Evaluation and
589 Expenditure Review and the governing authorities of any
590 municipality whose citizens are within the utility authority's
591 boundaries regarding the water quality and financial conditions of
592 such system or systems, as well as a schedule of currently planned
593 repairs, upgrades or improvements planned by the utility
594 authority;

595 (b) Immediately submit to the Governor, Lieutenant
596 Governor, Speaker of the House of Representatives and the
597 governing authorities of any municipality whose citizens are
598 within the utility authority's boundaries any information received
599 from the Mississippi State Department of Health or Department of
600 Environmental Quality or other state or federal regulatory
601 agencies regarding the condition of a transferred eligible
602 municipal system. The utility authority, in addition to abiding
603 by any other federal or state reporting requirements, must also
604 report such information to the public on its website and to
605 individuals residing within the municipality as required by
606 federal or state law;

607 (c) Publish audited annual financial statements, which
608 shall be made available to the public. The annual financial
609 statements shall include disposition of all funds expended by the
610 Utility authority for any purpose. Quarterly financial statements
611 shall be made available to the public by posting on the utility
612 authority's website;



613 (d) Adopt by administrative rules and regulations a
614 system of continuous internal audits;

615 (e) Adopt by administrative rules and regulations a
616 code of ethics for officers and employees of the utility authority
617 to carry out the standards of conduct established by this act; and

618 (f) Adopt by administrative rules and regulations
619 guidelines for the disposal of property if the utility authority
620 is dissolved. Such administrative rules and regulations shall
621 include that ownership, management and control of the systems
622 shall revert to the City of Jackson.

623 **SECTION 9.** (1) The president, as executive director of the
624 utility authority, if so appointed by the utility authority, shall
625 direct and supervise all administrative and technical activities
626 in accordance with the provisions of this act, within the
627 administrative rules and regulations adopted by the board, and in
628 accordance with industry practice. The president shall:

629 (a) Supervise and administer or contract for the
630 supervision and administration of the water, wastewater and storm
631 water systems owned, managed or controlled by the utility
632 authority.

633 (b) Employ and direct such personnel as may be
634 necessary to carry out the purposes of this act and utilize such
635 services, personnel or facilities of the utility authority as he
636 or she may deem necessary.



637 (c) Make available for inspection by the board or any
638 member of the board or the Governor, Lieutenant Governor, Speaker
639 of the House or the governing authorities of any municipality
640 whose citizens are served by the utility authority, upon request,
641 all books, records, files and other information and documents of
642 his or her office and advise the board and recommend such
643 administrative rules and regulations and other matters he or she
644 deems necessary and advisable to improve the operation and
645 administration of the utility authority.

646 (d) Attend meetings of the board or appoint a designee
647 to attend on his or her behalf.

648 (e) Not later than thirty (30) days before the
649 beginning of the utility authority's fiscal year, submit the
650 proposed annual budget of the utility authority to the board for
651 review and approval. This shall include a schedule of planned
652 repairs, upgrades or improvements to the systems and the
653 anticipated capital cost of each. In addition, the proposed
654 annual budget of the utility authority shall include a personnel
655 table reporting information for each full-time and part-time
656 permanent position, as follows:

657 (i) The position title and the salary for each
658 position in the existing operating budget for the current fiscal
659 year, indicating whether each position is filled or vacant as of
660 the reporting date; and



661 (ii) The position title and the salary recommended
662 for each position for the next fiscal year.

663 (f) The president shall require bond of Fifty Thousand
664 Dollars (\$50,000.00) from employees with access to funds or in
665 such an amount as provided in the administrative rules and
666 regulations of the board.

667 (2) The president may:

668 (a) Require bond from other employees as he or she
669 deems necessary;

670 (b) For good cause, and with approval from the majority
671 of the board, suspend, revoke or refuse to renew any contract
672 entered into in accordance with this act or the administrative
673 rules and regulations of the board; and

674 (c) Upon specific or general approval of the board,
675 enter into personal service contracts pursuant to administrative
676 rules and regulations adopted by the board and compensate such
677 consultants and technical assistants as may be required to carry
678 out the provisions of this act.

679 (3) Agencies, departments or units of state government,
680 including, but not limited to, the Mississippi Department of
681 Health and the Mississippi Department of Environmental Quality,
682 shall cooperate with the utility authority to regulate the utility
683 authority and assure the effective operation of the utility
684 authority's systems, with the understanding that such agencies act
685 as a regulator and not operator of such systems. All state



officers are hereby empowered and required to render such services to the utility authority within their respective functions as may be requested by the utility authority.

SECTION 10. Employees of the utility authority shall serve at the will and pleasure of the president who shall determine their compensation and benefits. The compensation of officers at the division head level and above shall be determined by the board.

SECTION 11. Neither the directors of the utility authority, the board, its employees, nor any person or persons acting on their behalf, while acting within the scope of their authority, shall be subject to personal liability resulting from carrying out any of the powers granted herein in accordance with his or her good-faith belief that he or she is acting in the best interests of the utility authority.

SECTION 12. (1) The utility authority shall enter into its contracts for major procurements after a competitive and open procurement process. The utility authority may adopt administrative rules and regulations pursuant to the provisions of this act providing for special procedures whereby the utility authority may make any class of procurement. The utility authority shall endeavor to ensure the transparency and competitiveness of procurements of all sizes.

(2) In its bidding processes, the utility authority may do its own bidding and procurement or may utilize the services of



other state agencies as appropriate and necessary. The president may, with the approval of a majority of the board, declare an emergency for purchasing purposes which shall be governed by the administrative rules and regulations adopted by the board.

SECTION 13. All monies received by the utility authority shall be deposited into an operating account. Such account shall be established in a custodian financial institution domiciled in the State of Mississippi, insured by the Federal Deposit Insurance Corporation and collateralized as prescribed by Section 27-105-5.

SECTION 14. All division heads, officers and employees of the utility authority shall be considered public servants as defined in Section 25-4-103. All division heads and officers of the utility authority are subject to Section 25-4-25 and shall be required to file a Statement of Economic Interest with the Mississippi Ethics Commission.

SECTION 15. (1) Any public agency or person, pursuant to a duly adopted resolution of the governing body of such public agency or person, may enter into contracts with the utility authority under the terms of which the utility authority will manage, operate and contract for usage of its systems and facilities, or other services, for such person or public agency.

(2) Any public agency or person may enter into contracts with the utility authority for the utility authority to purchase or sell, by installments over such terms as may be deemed desirable, or otherwise, to any person or any systems. Any public



736 agency may sell, donate, convey, or otherwise dispose of water,
737 wastewater and storm water facilities or systems; or any
738 equipment, personal property or any other things, deemed necessary
739 for the construction, operation, and maintenance to the utility
740 authority without the necessity of appraisal, advertising, or
741 bidding. This section creates an alternative method of disposal
742 of public property.

743 (3) Any public agency is authorized to enter into operating
744 agreements with the utility authority, for such terms and upon
745 such conditions as may be deemed desirable, for the operation of
746 any of its systems of any person by the utility authority or by
747 any person contracting with the utility authority to operate such
748 systems.

749 (4) Any public agency may lease to or from the utility
750 authority, for such term and upon such conditions as may be deemed
751 desirable, any of its systems.

752 (5) Any municipality or county may donate office space,
753 equipment, supplies, and materials to the utility authority.

754 (6) Any such contract may contain provisions requiring any
755 public agency or other person to regulate the quality and strength
756 of the material to be handled by the wastewater or storm water
757 systems and may also provide that the utility authority shall have
758 the right to use any streets, alleys and public ways and places
759 within the jurisdiction of a public agency or other person during
760 the term of the contract. Such contracts may obligate the public



761 agency to make payments to the utility authority or to a trustee
762 in amounts which shall be sufficient to enable the utility
763 authority to defray the expenses of administering, operating and
764 maintaining its respective systems, to pay interest and principal
765 (whether at maturity upon redemption or otherwise) on bonds of the
766 utility authority, issued under this act and to fund reserves for
767 debt service, for operation and maintenance and for renewals and
768 replacements, to fulfill the requirements of any rate covenant
769 with respect to debt service coverage contained in any resolution,
770 trust indenture or other security agreement relating to the bonds
771 of the utility authority issued under this act or to fulfill any
772 other requirement relating to bonds issued pursuant to this act.

773 (7) Any public agency shall have the power to enter into
774 such contracts with the utility authority as in the discretion of
775 the governing body of the public agency would be in the best
776 interest of the public agency. Such contracts may include a
777 pledge of the full faith and credit of such public agency and/or
778 the avails of any special assessments made by such public agency
779 against property receiving benefits, as now or hereafter are
780 provided by law. Any such contract may provide for the sale, or
781 lease to, or use of by the utility authority, of the systems or
782 any part thereof, of the public agency; and may provide that the
783 utility authority shall operate its systems or any part thereof of
784 the public agency; and may provide that any public agency shall
785 have the right to continued use and/or priority use of the systems



786 or any part thereof during the useful life thereof upon payment of
787 reasonable charges therefor; and may contain provisions to assure
788 equitable treatment of persons or public agencies who contract
789 with the utility authority under this act; and may contain such
790 other provisions and requirements as the parties thereto may
791 determine to be appropriate or necessary. Such contracts may
792 extend over any period of time, notwithstanding any provisions of
793 law to the contrary, and may extend beyond the life of the
794 respective systems or any part thereof or the term of the bonds
795 sold with respect to such facilities or improvements thereto.

796 (8) The obligations of a public agency arising under the
797 terms of any contract referred to in this act, whether or not
798 payable solely from a pledge of revenues, shall not be included
799 within the indebtedness limitations of the public agency for
800 purposes of any constitutional or statutory limitation or
801 provision. To the extent provided in such contract and to the
802 extent such obligations of the public agency are payable wholly or
803 in part from the revenues and other monies derived by the public
804 agency from the operation of its systems or of its combined
805 systems, or any part thereof, such obligations shall be treated as
806 expenses of operating such systems.

807 (9) Contracts referred to in this section may also provide
808 for payments in the form of contributions to defray the cost of
809 any purpose set forth in the contracts and as advances for the
810 respective systems or any part thereof subject to repayment by the



utility authority. A public agency may make such contributions or advances from its general fund or surplus fund or from special assessments or from any monies legally available therefor.

(10) Subject to the terms of a contract or contracts referred to in this act, the utility authority is hereby authorized to do and perform any and all acts or things necessary, convenient or desirable to carry out the purposes of such contracts, including the fixing, charging, collecting, maintaining and revising of rates, fees and other charges for the services rendered to any user of any of the systems operated or maintained by the utility authority, whether or not such systems are owned by the utility authority.

(11) No provision of this act shall be construed to prohibit any public agency, otherwise permitted by law to issue bonds, from issuing bonds in the manner provided by law for the construction, renovation, repair or development of any of the utility authority's systems, or any part thereof, owned or operated by such public agency.

SECTION 16. Whenever a public agency shall have executed a contract under this act and the payments thereunder are to be made either wholly or partly from the revenues of the public agency's systems, or any part thereof, or a combination of such systems, the duty is hereby imposed on the public agency to establish and maintain and from time to time to adjust the rate or fees charged by the public agency for the services of such systems, so that the



revenues therefrom, together with any taxes and special assessments levied in support thereof, will be sufficient at all times to pay:

(a) The expense of operating and maintaining such systems, including, but not limited to, all of the public agency's obligations to the utility authority and the cost required to staff such systems, its successors or assigns under such contract; and

(b) All of the public agency's obligations under and in connection with bonds theretofore issued, or which may be issued thereafter and secured by the revenues of such systems. Any such contract may require the use of consulting engineers and financial experts to advise the public agency whether and when such rates and fees are to be adjusted.

SECTION 17. (1) Notwithstanding the provisions of Sections 77-3-21 and 77-3-23, the certificate of public convenience and necessity held by any municipality, public agency, district, public utility or other person authorized by law to provide water, sewer and wastewater services may be cancelled and its powers, duties and responsibilities transferred to the utility authority in the manner provided by this section.

(2) Any entity described in subsection (1) of this section desiring to have its certificate of public convenience and necessity cancelled and its powers, duties and responsibilities transferred to the utility authority shall make a determination to



861 that effect on its official minutes if a public entity, or by
862 affidavit if not a public entity, and transmit such determination
863 to the utility authority.

864 (3) Upon receipt of the document evidencing such
865 determination from an entity to transfer its powers, duties and
866 responsibilities to the utility authority, the utility authority
867 shall, by resolution, declare whether it is willing and able to
868 accept such transfer from the entity.

869 (4) Upon completion of the requirements of subsections (2)
870 and (3) of this section herein and agreement by both parties to
871 the transfer, the holder of the certificate of public convenience
872 and necessity and the utility authority shall jointly petition the
873 Public Service Commission to cancel the certificate of public
874 convenience and necessity. The petition must be accompanied by
875 copies of the official minutes, affidavit or resolution, as the
876 case may be, reflecting the actions of the petitioners. After
877 review of the petition and any other evidence as the Public
878 Service Commission deems necessary, the commission may issue an
879 order canceling the certificate and transferring to the utility
880 authority the powers, duties and responsibilities granted by the
881 certificate, including all assets and debts of the transferor
882 petitioner related to such certificated services, real or
883 personal, or both, if it finds that:

884 (a) Subsections (2) and (3) of this section have been
885 complied with; and



886 (b) Such action is in the public interest.

887 (5) The utility authority and providers of water, sewer,
888 wastewater and storm water services that are not holders of a
889 certificate of a public convenience and necessity from the Public
890 Service Commission may enter into agreements for the provision of
891 such services, including, but not limited to, the transfer to the
892 utility authority of such provider's powers, duties,
893 responsibilities, assets and debts.

894 (6) Nothing herein shall require a municipality currently
895 served by the utility authority to remain within the boundaries of
896 the utility authority.

897 **SECTION 18.** (1) Any system of a municipality, public agency
898 or person that becomes subject to the jurisdiction of a utility
899 authority and this act shall not impair, invalidate or abrogate
900 any liens, bonds or other certificates of indebtedness related to
901 water, storm water or wastewater facilities and systems incurred
902 prior to becoming subject to the jurisdiction of the utility
903 authority.

904 (2) The utility authority may do and perform any and all
905 acts necessary, convenient or desirable to ensure the payment,
906 redemption or satisfaction of such liens, bonds or other
907 certificates of indebtedness.

908 **SECTION 19.** (1) Sections 18 through 27 of this act apply to
909 all bonds to be issued after the date of enactment of this act,
910 and such provisions shall not affect, limit or alter the rights



911 and powers of any utility authority under this act or any law of
912 Mississippi to conduct the activities referred to herein in any
913 way pertinent to the interests of the bondholders, including,
914 without limitation, such utility authority's right to charge and
915 collect rates, fees and charges and to fulfill the terms of any
916 covenants made with the registered owners of any existing bonds,
917 or in any other way impair the rights and remedies of the
918 registered owners of any existing bonds, unless provision for full
919 payment of such bonds, by escrow or otherwise, has been made
920 pursuant to the terms of the bonds or the resolution, trust
921 indenture or security interest securing the bonds.

922 (2) The utility authority shall have the power and is hereby
923 authorized, from time to time, to borrow money and to issue
924 revenue bonds and interim notes in such principal amounts as the
925 utility authority may determine to be necessary to provide
926 sufficient funds for achieving one or more of the purposes of this
927 act, including, without limiting the generality of the foregoing,
928 to defray all the costs of the project, the cost of the
929 acquisition, construction, improvement, repair or extension of a
930 system, or any part thereof, whether or not such facilities are
931 owned by the utility authority, the payment of interest on bonds
932 of the utility authority issued pursuant to this act,
933 establishment of reserves to secure such bonds and payment of the
934 interest thereon, expenses incident to the issuance of such bonds
935 and to the implementation of the utility authority's system, and



936 all other expenditures of the utility authority incident to or
937 necessary or convenient to carry out the purposes of this act.

938 (3) Before issuing bonds, other than interim notes or
939 refunding bonds as provided in Section 20 of this act, the board
940 of directors of the utility authority shall adopt a resolution
941 declaring its intention to issue such bonds and stating the
942 maximum principal amount of bonds proposed to be issued, a general
943 generic description of the proposed improvements and the proposed
944 location thereof and the date, time and place at which the board
945 of directors proposes to take further action with respect to the
946 issuance of such bonds. The resolution shall be published once a
947 week for at least three (3) consecutive weeks in at least one (1)
948 newspaper having a general circulation within the geographical
949 limits of all of the public agencies which have contracted with
950 the utility authority pursuant to this act.

951 (4) Bonds of the utility authority issued pursuant to this
952 act shall be payable from and secured by a pledge of all or any
953 part of the revenues under one or more contracts entered into
954 pursuant to this act between the utility authority and one or more
955 of its contracting public agencies and from all or any part of the
956 revenues derived from the operation of any designated system or
957 any part or parts thereof and any other monies legally available
958 and designated therefor, as may be determined by such utility
959 authority, subject only to any agreement with the purchasers of
960 the bonds. Such bonds may be further secured by a trust indenture



961 between such utility authority and a corporate trustee, which may
962 be any trust company or bank having powers of a trust company
963 without or within the state.

964 (5) Bonds of the utility authority issued pursuant to this
965 act shall be authorized by a resolution or resolutions adopted by
966 a majority affirmative vote of the total membership of the board
967 of directors of the utility authority. Such bonds may be issued
968 in series, and each series of such bonds shall bear such date or
969 dates, mature at such time or times, bear interest at such rate or
970 rates (not exceeding the maximum rate set out in Section
971 75-17-103, Mississippi Code of 1972), be in such denomination or
972 denominations, be in such form, carry such conversion privileges,
973 have such rank or priority, be executed in such manner and by such
974 officers, be payable from such sources in such medium of payment
975 at such place or places within or without the state, provided that
976 one such place shall be within the state, and be subject to such
977 terms of redemption prior to maturity, all as may be provided by
978 resolution or resolutions of the board of directors. The term of
979 such bonds issued pursuant to this act shall not exceed forty (40)
980 years.

981 (6) Bonds of the utility authority issued pursuant to this
982 act may be sold at such price or prices, at public or private
983 sale, in such manner and at such times as may be determined by
984 such utility authority to be in the public interest, and such
985 utility authority may pay all expenses, premiums, fees and



986 commissions which it may deem necessary and advantageous in
987 connection with the issuance and sale thereof.

988 (7) Any pledge of earnings, revenues or other monies made by
989 the utility authority shall be valid and binding from the time the
990 pledge is made. The earnings, revenues or other monies so pledged
991 and thereafter received by such utility authority shall
992 immediately be subject to the lien of such pledge without any
993 physical delivery thereof or further act, and the lien of any such
994 pledge shall be valid and binding as against all parties having
995 claims of any kind in tort, contract or otherwise against such
996 utility authority irrespective of whether such parties have notice
997 thereof. Neither the resolution nor any other instrument by which
998 a pledge is created need be recorded.

999 (8) Neither the members of the board of directors nor any
1000 person executing the bonds shall be personally liable on the bonds
1001 or be subject to any personal liability or accountability by
1002 reason of the issuance thereof.

1003 (9) Proceeds from the sale of bonds of the utility authority
1004 may be invested, pending their use, in such securities as may be
1005 specified in the resolution authorizing the issuance of the bonds
1006 or the trust indenture securing them, and the earnings on such
1007 investments applied as provided in such resolution or trust
1008 indenture.

1009 (10) Whenever any bonds shall have been signed by the
1010 officer(s) designated by the resolution of the board of directors



1011 to sign the bonds who were in office at the time of such signing
1012 but who may have ceased to be such officer(s) prior to the sale
1013 and delivery of such bonds, or who may not have been in office on
1014 the date such bonds may bear, the manual or facsimile signatures
1015 of such officer(s) upon such bonds shall nevertheless be valid and
1016 sufficient for all purposes and have the same effect as if the
1017 person so officially executing such bonds had remained in office
1018 until the delivery of the same to the purchaser or had been in
1019 office on the date such bonds may bear.

1020 (11) The utility authority has the discretion to advance or
1021 borrow funds needed to satisfy any short-term cash flow demands or
1022 deficiencies or to cover start-up costs until such time as
1023 sufficient bonds, assets and revenues have been secured to satisfy
1024 the needs of the utility authority.

1025 **SECTION 20.** (1) The utility authority may, by resolution
1026 adopted by its board of directors, issue refunding bonds for the
1027 purpose of paying any of its bonds at or prior to maturity or upon
1028 acceleration or redemption. Refunding bonds may be issued at such
1029 time prior to the maturity or redemption of the refunded bonds as
1030 the board of directors deems to be in the public interest, without
1031 an election on the question of the issuance thereof. The
1032 refunding bonds may be issued in sufficient amounts to pay or
1033 provide the principal of the bonds being refunded, together with
1034 any redemption premium thereon, any interest accrued or to accrue
1035 to the date of payment of such bonds, the expenses of issue of the



1036 refunding bonds, the expenses of redeeming the bonds being
1037 refunded, and such reserves for debt service or other capital or
1038 current expenses from the proceeds of such refunding bonds as may
1039 be required by the resolution, trust indenture or other security
1040 instruments. The issue of refunding bonds, the maturities and
1041 other details thereof, the security therefor, the rights of the
1042 holders and the rights, duties and obligations of the utility
1043 authority in respect of the same shall be governed by the
1044 provisions of this act relating to the issue of bonds other than
1045 refunding bonds insofar as the same may be applicable. Any such
1046 refunding may be effected, whether the obligations to be refunded
1047 shall have then matured or shall thereafter mature, either by the
1048 exchange of the refunding bonds for the obligations to be refunded
1049 thereby with the consent of the holders of the obligations so to
1050 be refunded, or by sale of the refunding bonds and the application
1051 of the proceeds thereof to the payment of the obligations proposed
1052 to be refunded thereby, and regardless of whether the obligations
1053 proposed to be refunded shall be payable on the same date or
1054 different dates or shall be due serially or otherwise.

1055 (2) Borrowing by the utility authority may be made by the
1056 delivery of interim notes to any person or public agency or
1057 financial institution by a majority vote of the board of
1058 directors.

1059 **SECTION 21.** All bonds, other than refunding bonds, interim
1060 notes and certificates of indebtedness, which may be validated



1061 issued pursuant to this act shall be validated as now provided by
1062 law in Sections 31-13-1 through 31-13-11, Mississippi Code of
1063 1972; however, notice of such validation proceedings shall be
1064 addressed to the citizens of the respective public agencies (a)
1065 which have contracted with the utility authority pursuant to this
1066 act, and (b) whose contracts and the payments to be made by the
1067 public agencies thereunder constitute security for the bonds of
1068 such utility authority proposed to be issued, and that such notice
1069 shall be published at least once in a newspaper or newspapers
1070 having a general circulation within the geographical boundaries of
1071 each of the contracting public agencies to whose citizens the
1072 notice is addressed. Such validation proceedings shall be
1073 instituted in any chancery courts within the boundaries of the
1074 utility authority. The validity of the bonds so validated and of
1075 the contracts and payments to be made by the public agencies
1076 thereunder constituting security for the bonds shall be forever
1077 conclusive against the utility authority and the public agencies,
1078 which are parties to said contracts; and the validity of said
1079 bonds and said contracts and the payments to be made thereunder
1080 shall never be called in question in any court in this state.

1081 **SECTION 22.** Bonds issued under the provisions of this act
1082 shall not be deemed to constitute, within the meaning of any
1083 constitutional or statutory limitation, an indebtedness of the
1084 utility authority or the state. Such bonds shall be payable
1085 solely from the revenues or assets of the utility authority



pledged therefor. Each bond issued under this act shall contain on the face thereof a statement to the effect that such utility authority, nor the state, shall not be obligated to pay the same nor the interest thereon except from the revenues or assets pledged therefor.

SECTION 23. The utility authority shall have power in connection with the issuance of its bonds pursuant to this act to:

(a) Covenant as to the use of any or all of its property, real or personal;

(b) Redeem the bonds, to covenant for their redemption and to provide the terms and conditions thereof;

(c) Covenant to charge rates, fees and charges sufficient to meet operating and maintenance expenses, renewals and replacements, principal and debt service on bonds, creation and maintenance of any reserves required by a bonds resolution, trust indenture or other security instrument and to provide for any margins or coverages over and above debt service on the bonds deemed desirable for the marketability of the bonds;

(d) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds shall become or may be declared due before maturity, as to the terms and conditions upon which such declaration and its consequences may be waived and as to the consequences of default and the remedies of the registered owners of the bonds;



1110 (e) Covenant as to the mortgage or pledge of or the
1111 grant of a security interest in any real or personal property and
1112 all or any part of the revenues from any designated system or any
1113 part thereof or any revenue-producing contract or contracts made
1114 by a utility authority with any person to secure the payment of
1115 bonds, subject to such agreements with the registered owners of
1116 bonds as may then exist;

1117 (f) Covenant as to the custody, collection, securing,
1118 investment and payment of any revenues, assets, monies, funds or
1119 property with respect to which a utility authority may have any
1120 rights or interest;

1121 (g) Covenant as to the purposes to which the proceeds
1122 from the sale of any bonds then or thereafter to be issued may be
1123 applied, and the pledge of such proceeds to secure the payment of
1124 the bonds;

1125 (h) Covenant as to the limitations on the issuance of
1126 any additional bonds, the terms upon which additional bonds may be
1127 issued and secured, and the refunding of outstanding bonds;

1128 (i) Covenant as to the rank or priority of any bonds
1129 with respect to any lien or security;

1130 (j) Covenant as to the procedure by which the terms of
1131 any contract with or for the benefit of the registered owners of
1132 bonds may be amended or abrogated, the amount of bonds the
1133 registered owners of which must consent thereto, and the manner in
1134 which such consent may be given;



1135 (k) Covenant as to the custody of any of its properties
1136 or investments, the safekeeping thereof, the insurance to be
1137 carried thereon, and the use and disposition of insurance
1138 proceeds;

1139 (l) Covenant as to the vesting in a trustee or
1140 trustees, within or outside the state, of such properties, rights,
1141 powers and duties in trust as such utility authority may
1142 determine;

1143 (m) Covenant as to the appointing and providing for the
1144 duties and obligations of a paying agent or paying agents or other
1145 fiduciaries within or outside the state;

1146 (n) Make all other covenants and to do any and all such
1147 acts and things as may be necessary or convenient or desirable in
1148 order to secure its bonds, or in the absolute discretion of the
1149 utility authority tend to make the bonds more marketable,
1150 notwithstanding that such covenants, acts or things may not be
1151 enumerated herein; it being the intention hereof to give any
1152 utility authority power to do all things in the issuance of bonds
1153 and in the provisions for security thereof which are not
1154 inconsistent with the Constitution of the state; and

1155 (o) Execute all instruments necessary or convenient in
1156 the exercise of the powers herein granted or in the performance of
1157 covenants or duties, which may contain such covenants and
1158 provisions, as any purchaser of the bonds of the utility authority
1159 may reasonably require.



1160 **SECTION 24.** The utility authority may, in any authorizing
1161 resolution of the board of directors, trust indenture or other
1162 security instrument relating to its bonds issued pursuant to this
1163 act, provide for the appointment of a trustee who shall have such
1164 powers as are provided therein to represent the registered owners
1165 of any issue of bonds in the enforcement or protection of their
1166 rights under any such resolution, trust indenture or security
1167 instrument. The utility authority may also provide in such
1168 resolution, trust indenture or other security instrument that the
1169 trustee, or in the event that the trustee so appointed shall fail
1170 or decline to so protect and enforce such registered owners'
1171 rights then such percentage of registered owners as shall be set
1172 forth in, and subject to the provisions of, such resolution, trust
1173 indenture or other security interest, may petition the court of
1174 proper jurisdiction for the appointment of a receiver of the
1175 utility authority's systems, the revenues of which are pledged to
1176 the payment of the principal of and interest on the bonds of such
1177 registered owners. Such receiver may exercise any power as may be
1178 granted in any such resolution, trust indenture or security
1179 instrument to enter upon and take possession of, acquire,
1180 construct, reconstruct or operate and maintain such system, fix
1181 charges for services of the system and enforce collection thereof,
1182 and receive all revenues derived from such system or facilities
1183 and perform the public duties and carry out the contracts and
1184 obligations of such utility authority in the same manner as such



1135 rights then such percentage of registered owners as shall be set
1136 forth in, and subject to the provisions of, such resolution, trust
1137 indenture or other security interest, may petition the court of
1138 proper jurisdiction for the appointment of a receiver of the
1139 utility authority's systems, the revenues of which are pledged to
1140 the payment of the principal of and interest on the bonds of such
1141 registered owners. Such receiver may exercise any power as may be
1142 granted in any such resolution, trust indenture or security
1143 instrument to enter upon and take possession of, acquire,
1144 construct or reconstruct or operate and maintain such system, fix
1145 charges for services of the system and enforce collection thereof,
1146 and receive all revenues derived from such system or facilities
1147 and perform the public duties and carry out the contracts and
1148 obligations of such utility authority in the same manner as such
1149 utility authority itself might do, all under the direction of such
1150 court.

1151 **SECTION 25.** (1) The exercise of the powers granted by this
1152 act will be in all respects for the benefit of the people of the
1153 state, for their well-being and prosperity and for the improvement
1154 of their social and economic conditions, and the utility authority
1155 shall not be required to pay any tax or assessment on any property
1156 owned by the utility authority under the provisions of this act or
1157 upon the income therefrom; nor shall the utility authority be
1158 required to pay any recording fee or transfer tax of any kind on
1159 account of instruments recorded by it or on its behalf.



1160 (2) Any bonds issued by the utility authority under and
1161 pursuant to the provisions of this act, their transfer and the
1162 income therefrom shall at all times be free from taxation by the
1163 state or any local unit or political subdivision or other
1164 instrumentality of the state, excepting inheritance and gift
1165 taxes.

1166 **SECTION 26.** All bonds issued under the provisions of this
1167 act shall be legal investments for trustees, other fiduciaries,
1168 savings banks, trust companies and insurance companies organized
1169 under the laws of the State of Mississippi; and such bonds shall
1170 be legal securities which may be deposited with and shall be
1171 received by all public officers and bodies of the state and all
1172 municipalities and other political subdivisions thereof for the
1173 purpose of securing the deposit of public funds.

1174 **SECTION 27.** The state hereby covenants with the registered
1175 owners of any bonds of any utility authority that so long as the
1176 bonds are outstanding and unpaid the state will not limit or alter
1177 the rights and powers of any utility authority under this act to
1178 conduct the activities referred to herein in any way pertinent to
1179 the interests of the bondholders, including, without limitation,
1180 such utility authority's right to charge and collect rates, fees,
1181 assessments and charges and to fulfill the terms of any covenants
1182 made with the registered owners of the bonds, or in any other way
1183 impair the rights and remedies of the registered owners of the
1184 bonds, unless provision for full payment of such bonds, by escrow



1185 or otherwise, has been made pursuant to the terms of the bonds or
1186 the resolution, trust indenture or security interest securing the
1187 bonds.

1188 **SECTION 28.** For the purposes of satisfying any temporary
1189 cash flow demands and deficiencies, and to maintain a working
1190 balance for the utility authority, the county, municipalities or
1191 public agencies within the geographic boundaries of the utility
1192 authority, or other persons, subject to their lawful authority to
1193 do so, are authorized to advance, at any time, such funds which,
1194 in its discretion, are necessary, or borrow such funds by issuance
1195 of notes, for initial capital contribution and to cover start-up
1196 costs until such times as sufficient bonds, assets and revenues
1197 have been secured to satisfy the needs of the utility authority
1198 for its management, operation and formation. To this end, the
1199 county, municipality, public agency or person, subject to their
1200 lawful authority to do so, shall advance such funds, or borrow
1201 such funds by issuance of notes, under such terms and conditions
1202 as may be provided by resolution of the governing body, or other
1203 persons as defined in this act, subject to their lawful authority
1204 to do so, except that each such resolution shall state:
1205 (a) The need for the proceeds advanced or borrowed;
1206 (b) The amount to be advanced or the amount to be
1207 borrowed;



1208 (c) The maximum principal amount of any note issued the
1209 interest rate or maximum interest rate to be incurred, and the
1210 maturity date of said note;

1211 (d) In addition, the governing body, or other persons
1212 as defined in this act, subject to their lawful authority to do
1213 so, may arrange for lines of credit with any bank, firm or person
1214 for the purpose of providing an additional source of repayment for
1215 notes issued pursuant to this section. Amounts drawn on a line of
1216 credit may be evidenced by negotiable or nonnegotiable notes or
1217 other evidences of indebtedness and contain such terms and
1218 conditions as the governing body, or other persons as defined in
1219 this act, subject to their lawful authority to do so, may
1220 authorize in the resolution approving the same;

1221 (e) The governing body of the county, municipalities or
1222 other persons as defined in this act, subject to their lawful
1223 authority to do so, may authorize the repayment of such advances,
1224 notes, lines of credit and other debt incurred under this section,
1225 along with all costs associated with the same, including, but not
1226 limited to, rating agency fees, printing costs, legal fees, bank
1227 or trust company fees, line of credit fees and other charges to be
1228 reimbursed by the utility authority under such terms and
1229 conditions as are reasonable and are to be provided for by
1230 resolution of the governing body, or terms agreed upon with other
1231 persons as defined in this act, subject to their lawful authority
1232 to do so;



1233 (f) In addition, the governing body of the county,
1234 municipality or public agency may lease or donate office space and
1235 equipment to the utility authority under such terms and conditions
1236 as are reasonable and are to be provided for by resolution of the
1237 governing body, or terms agreed upon by the utility authority.

1238 **SECTION 29.** This act being necessary for the welfare of the
1239 state and its inhabitants shall be liberally construed to effect
1240 the purposes thereof. If any section, provision, paragraph,
1241 sentence, phrase, or word of this act shall be held invalid by any
1242 court of competent jurisdiction, the remainder of this act shall
1243 not be affected thereby.

1244 **SECTION 30.** Sections 1 through 29 of this act shall be
1245 codified in Title 77, Mississippi Code of 1972.

1246 **SECTION 31.** This act shall take effect and be in force from
1247 and after July 1, 2023.



MISSISSIPPI LEGISLATURE

By: Senator(s) Parker

REGULAR SESSION 2023

To: Economic and Workforce
Development

SENATE BILL NO. 2889

1 AN ACT TO CREATE THE MISSISSIPPI CAPITOL REGION UTILITY ACT;
2 TO ENSURE ACCESS TO SAFE, CLEAN AND RELIABLE WATER FOR THE
3 CITIZENS OF CENTRAL MISSISSIPPI; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** This act shall be known and may be cited as the
6 "Mississippi Capitol Region Utility Act."

7 **SECTION 2.** (1) The Mississippi Legislature finds the
8 following:

9 (a) For the benefit of the citizens centrally located
10 in the State of Mississippi, including citizens residing or
11 working in the capital city of the State of Mississippi, it is
12 essential to have access to safe, clean and reliable water,
13 wastewater and storm water systems at affordable, regulated rates
14 which are just, reasonable and provide an adequate amount of
15 capital to keep such systems in good repair;

16 (b) The availability of safe, clean and reliable water,
17 wastewater and storm water have vast impacts on health, schools
18 and academic outcomes, crime and safety, state and local



19 government operations, businesses and economic development, the
20 availability of a workforce, tourism and many other critical
21 areas;

22 (c) The availability of safe, clean and reliable water,
23 wastewater and storm water systems requires significant financial
24 resources and human capital to engage in the planning,
25 acquisition, construction, maintenance, coordination and operation
26 required to deliver transparent and efficient services which meet
27 and exceed federal and state regulations and requirements;

28 (d) On November 29, 2022, the Department of Justice
29 filed a complaint alleging that the City of Jackson has failed to
30 provide drinking water that is reliably compliant with the Safe
31 Drinking Water Act to citizens within the boundaries of the water
32 system. The Department of Justice simultaneously filed a proposal
33 which would appoint a receiver, or an interim third party manager,
34 to stabilize the City of Jackson's public drinking water system
35 and build confidence in the water system's ability to supply safe,
36 clean and reliable water to citizens within the boundaries of the
37 water system. The U.S. District Court for the Southern District
38 of Mississippi appointed a receiver to oversee and operate the
39 water system on November 29, 2022.

40 (e) The receiver appointed by the U.S. District Court
41 for the Southern District of Mississippi has communicated to the
42 public the importance of creating a utility district separate and
43 distinct from the City of Jackson to assume ownership, management

